

tures from such fund, nor shall any expenditures be made unless approved in accordance with sections forty-one, forty-two, fifty-two and fifty-six of chapter forty-one.

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established pursuant to this section for receipts of a municipal water or sewer department or of a municipal hospital. No such revolving fund may be established if the aggregate limit of all revolving funds authorized under this section exceeds ten percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. No revolving fund expenditures shall be made for the purpose of paying any wages or salaries for full time employees; provided, however, that such prohibition shall not apply to wages or salaries paid to full or part-time employees who are employed as drivers providing transportation for public school students; provided, further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay such wages or salaries and provided, further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year.

A revolving fund established under the provisions of this section shall be by vote of the annual town meeting in a town, upon recommendation of the board of selectmen, and by vote of the city council in a city, upon recommendation of the mayor or city manager, in Plan E cities, and in any other city or town by vote of the legislative body upon the recommendation of the chief administrative or executive officer. Such authorization shall be made annually prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year; and, provided, further, that no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent

fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine.

In any fiscal year the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city, or with the approval of the selectmen and finance committee, if any, in a town; provided, however, that the one percent limit established by clause (4) of the third paragraph is not exceeded.

The board, department or officer having charge of such revolving fund shall report to the annual town meeting or to the city council and the board of selectmen, the mayor of a city or city manager in a Plan E city or in any other city or town to the legislative body and the chief administrative or executive officer, the total amount of receipts and expenditures for each revolving fund under its control for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the town meeting or city council may, by vote determine, and the amount of any increases in spending authority granted during the prior and current fiscal years, together with such other information as the town meeting or city council may by vote require.

At the close of a fiscal year in which a revolving fund is not reauthorized for the following year, or in which a city or town changes the purposes for which money in a revolving fund may be spent in the following year, the balance in the fund at the end of the fiscal year shall revert to surplus revenue unless the annual town meeting or the city council and mayor or city manager in a Plan E city and in any other city or town the legislative body vote to transfer such balance to another revolving fund established under this section.

The director of accounts may issue guidelines further regulating revolving funds established under this section.

Added by St.1990, c. 275, § 1. Amended by St.1992, c. 224, § 1.

#### **§ 53F. Deposits of public funds in banking institutions in return for banking services**

Notwithstanding any general or special law to the contrary, a treasurer or collector of a city, town or district is authorized to enter into written agreements for a period not to exceed three years, with banking institutions having their principal offices in the commonwealth, pursuant to which

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: Feb. 14, 1994

TO: Board of Selectmen  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Comparison of Towns

In reviewing file materials I happened across this information from a conference in Lexington 2 years ago. These are not the types of statistical data that change rapidly so they should still be adequate for comparative purposes.

The real import is that these numbers lend credence to our longtime claim that we do more with less. Note the significant difference in the number of citizens per FTE employee in Acton vs. Concord, for instance. Their ratio represents nearly 60% more municipal employees per capita than ours.



**TOWN OF LEXINGTON  
COMPARISON OF TOWNS BY  
FULL TIME EQUIVALENT EMPLOYEES PER CAPITA**

<b>AAA Bond</b>	<b>Town</b>	<b>Number of Employees</b>	<b>Population</b>	<b># Citizens / FTE Employees</b>
	ACTON	164	17,680	108
*	LEXINGTON #	284	29,667	105
	ARLINGTON + #	426	43,810	103
	MILTON	261	25,794	99
*	WINCHESTER #	229	20,858	91
	BURLINGTON	267	22,662	85
*	NEWTON #	1044	83,302	80
*	BELMONT ##	347	26,450	76
	DANVERS ##	320	24,240	76
*	WESTON	139	10,600	76
	NEEDHAM #	400	28,730	72
	ANDOVER #	375	27,154	72
*	CONCORD ##	228	15,662	69
*	WELLESLEY ##	413	27,209	66

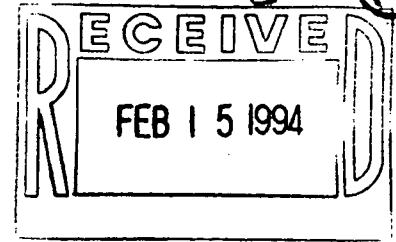
**## Includes municipal light plant and water & sewer**

**+ Includes refuse collection**

**# Includes water & sewer operations**



MASSACHUSETTS  
BOARD OF APPEALS



Hearing #94-4

## NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

March 21, 1994, at 8:15 P.M. in the TOWN HALL, Room 126  
on the following petition:

by Doug & Belinda Burum, 28 Pope Road, for a PETITION FOR VARIANCE  
from the requirements of Section 5.1 of the Zoning Bylaw to allow  
the construction of a one car attached garage within the sideyard  
setback at 28 Pope Road, Map G5/Parcel 13.

*Petitioner must be present, or send authorized representative*

BOARD OF APPEALS

By

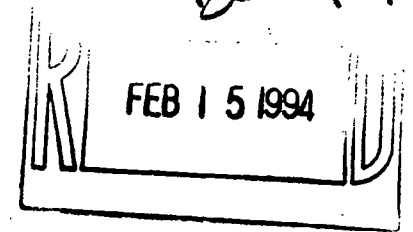
Duncan Wood

Clerk





MASSACHUSETTS  
BOARD OF APPEALS



Hearing #94-3

## NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

March 21, 19 94, at 7:45 P.M. in the TOWN HALL, Room 126  
on the following petition:

by Lawsbrook, Inc., 98 Charter Road, for a PETITION FOR A PERMIT  
TO REMOVE EARTH MATERIALS from the requirements of the Earth Removal  
Bylaw of the Zoning Bylaw, to allow the removal of earth materials  
from 25 Lawsbrook Road, Map H4/Parcels 116, 127, 128, the site of  
Lawsbrook Village PCRC Subdivision.

*Petitioner must be present, or send authorized representative*

BOARD OF APPEALS

By

Duncan Wood

Clerk

STAMSKI AND MCNARY, INC.

80 Harris Street

Acton, Massachusetts 01720

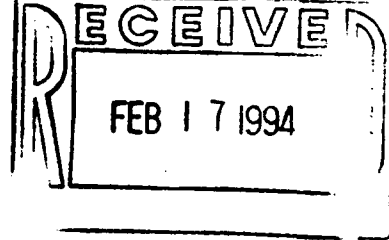
(508) 263-8585

FAX (508) 263-9883

BRUCE M. STAMSKI, P.E.

February 16, 1994

WILLIAM F. MCNARY, P.L.S.



Acton Building Department  
472 Main Street  
Acton, MA 01720

RE: 113 Arlington Street  
Flood Plain Special Permit

To whom it may concern.

In regards to the Petition for a Special Permit submitted on Thursday February 10, 1994 for 113 Arlington Street, an address correction must be made. Distinctive Acton Homes, Inc. is NOT located at 143 Arlington Street. The correct address for Distinctive Acton Homes, Inc. is 143 **Central Street**. The correction must be made to the first page of the Petition for a Special Permit.

Sincerely,

For: Stamski and McNary, Inc.

Bruce M. Stamski, P.E.



MASSACHUSETTS  
BOARD OF APPEALS

Hearing #94-2

## NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

March 21, 19 94 , at 7:30P.M. in the TOWN HALL, Room 126

on the following petition:

by Distinctive Acton Homes, Inc., 143 Central Street, for a  
FLOOD PLAIN SPECIAL PERMIT from the requirements of Section IV.1.8  
of the Zoning Bylaw, to allow the filling of the floodway fringe  
at 113 Arlington Street, Map E2/Parcel 197. This filling will  
not result in the reduction of the natural flood storage volume  
to less than 98%.

*Petitioner must be present, or send authorized representative*

BOARD OF APPEALS

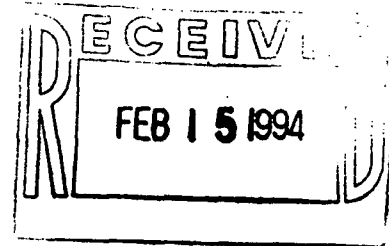
By

Duncan Wood

Clerk



MASSACHUSETTS  
BOARD OF APPEALS



Hearing #94-2

## NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

March 21, 1994, at 7:30 P.M. in the TOWN HALL, Room 126  
on the following petition:

by Distinctive Acton Homes, Inc., 143 Arlington Street, for a  
FLOOD PLAIN SPECIAL PERMIT from the requirements of Section IV.1.8  
of the Zoning Bylaw, to allow the filling of the floodway fringe at  
113 Arlington Street, Map E2/Parcel 197. This filling will not result  
in the reduction of the natural flood storage volume to less than 98%.

*Petitioner must be present, or send authorized representative*

BOARD OF APPEALS

By

Duncan Wood

Clerk

cc: BOS

ACTON BOARD OF HEALTH

MINUTES

MAY 3, 1993

MEMBERS PRESENT: William McInnis (Chairman)

Cordelia Alfaro

James Barbato

Jonathan Bosworth

Mark Conoby

Ira Grossman (Associate)

STAFF PRESENT: Doug Halley (Health Director)

Rose Erdozaincy

OTHERS PRESENT: James Fenton

Chris Couch

Edie Hill

Marge Matson

Dick Dolan

Jim Thompson

Patrick Forsyth

John Crew

Peter Parent

Peter Kavanagh

Jean Lane

Bob Young

The meeting opened at 7:35 P.M.

NEW BUSINESS:

The tobacco bylaw was discussed. The bylaw was adopted at Town Meeting on April 27, 1993. On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to designate Mr. Halley to issue tobacco sales permits. The Board was presented a sample copy of the proposed tobacco sales permit and made some minor adjustments. The Board also mentioned their concern regarding the bowling alley. The Board asked that the Health Department contact Mr. Sundberg so that he may be present at a future meeting to discuss possible variances.

MINUTES:

On a motion made by Mr. Conoby, seconded by Ms. Alfaro, the Board unanimously voted to accept the minutes of March 22, 1993 following corrections.

**LOT 5 BREEZY POINT - WELL VARIANCE:**

Ms. Edie Hill, owner of Lot 5 Breezy Point Road seeks a variance from Acton regulations 9-6.4 to allow the installation of a private drinking water well in an area where Town water is available. Ms. Hill has stated that the cost of tying into Town Water would be approximately \$12,000 to \$15,000 because ledge would have to be blasted and Breezy Point Road would need to be dug up. A private well would cost approximately \$3,500 to \$4,500. Ms. Hill stated that the cost of Town Water would be a financial hardship. The Board has in the past granted variances similar to this site due to financial hardship.

On a motion made by Mr. Conoby, seconded by Mr. Barbato, the Board unanimously voted to grant a variance from Acton regulation 9-6.4

to Lot 5 Breezy Point Road with the following conditions:

1. The well shall be registered with the D.E.M. and all coordinates shall be registered with the Health Department.
2. A bacterial analysis shall be conducted annually and a chemical analysis shall be conducted every three years with a report of the results of those analysis' submitted to the Board of Health.

3. Any test results greater than 50% of the allowed state and federal requirements shall be retested within thirty (30) days. Any test that exceeds state standards shall cause the immediate implementation of a filtering program to remove the identified contaminants, the re-drilling of a new well or the connection into the public water supply system.

**188 MAIN STREET - HEARING REGARDING INSPECTION OF SEPTIC SYSTEM:**

The Health Department received a complaint from Mr. James Thompson, owner of 188 Main Street, regarding the inspection of his septic system by E.A. Comeau. E.A. Comeau submitted an inspection report to Mr. Thompson indicating that the existing septic system was in failure. Mr. Thompson then hired A.B.C. Cesspool who conducted a second inspection who noted similar observations as E.A. Comeau, however, they felt that the system was functioning properly. E.A. Comeau was not present at the hearing. The Board stated that E.A. Comeau should be present for discussion.

Mr. Thompson stated that he would like E.A. Comeau's inspection report removed from his file. The Board stated that this report could not be



removed, however, if E.A. Comeau wished to modify his report then he could do so. Mr. Halley suggested that an office hearing should be held with E.A. Comeau to see if he wishes to modify his report or another hearing should be scheduled with the Board in order to determine a resolution.

**LOT 15 PRESCOTT ROAD - VARIANCE:**

LandTech Consultants, representing Kavanagh Homes, seeks a variance from State regulations 310 CMR 15.03 (7) for construction of a septic system for a new home that cannot meet breakout requirements. A clay barrier has been proposed which would eliminate any environmental impacts that may occur. All abutters have been notified of this variance request. The Health Department recommends granting this variance and stated that the D.E.P. routinely grants these variances also.

On a motion made by Mr. Bosworth, seconded by Mr. Barbato, the Board unanimously voted to grant a variance from 310 CMR 15.03 (7) to Lot 15 Prescott Road with the condition that the system be built in accordance with the plan submitted by Landtech Consultants dated March 10, 1993.

**RABIES POLICY:**

The Health Department presented the Board with a policy regarding the rabies epidemic. This policy has already been presented to Don Johnson, Town Manager. The Board stated that Mr. McInnis would draft a letter to the Board of Selectmen stating their involvement and acceptance of the policy.

On a motion made by Mr. Barbato, seconded by Mr. Bosworth, the Board unanimously voted to have Mr. McInnis draft a letter to the Board of Selectmen regarding the acceptance of the Rabies Policy.

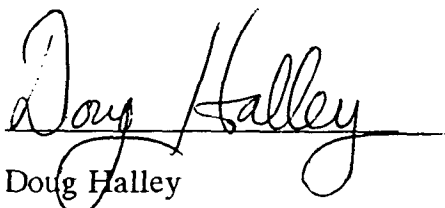
On a motion made by Mr. Bosworth, seconded by Mr. Barbato, the Board unanimously voted to adjourn at 10:00 P.M.

**NEXT MEETING:**

The next regularly scheduled meeting will be held on May 10, 1993 in Room 126 of the Town Hall. This meeting will be to discuss the status of the Acton Public Health Nursing Service.

The following meeting will be held on May 24, 1993 in Room 126 of the Town Hall.

Respectfully Submitted

A handwritten signature in cursive script that reads "Doug Halley". The signature is written in dark ink and is positioned above a horizontal line.

Doug Halley

Health Director

A handwritten signature in cursive script that reads "William McInnis". The signature is written in dark ink and is positioned above a horizontal line.

William McInnis

Chairman

cc: BOS

ACTON BOARD OF HEALTH

MINUTES

MAY 10, 1993

**MEMBERS PRESENT:** Bill McInnis (Chairman)

Cordelia Alfaro

Jonathan Bosworth

Mark Conoby

**STAFF PRESENT:** Doug Halley (Health Director)

Mary Ellen Mayo (Nursing Administrator)

**OTHERS PRESENT:** Jean Worfolk (P.A.C.)

Ruth Porter (FANS)

Margaret Richter (FANS)

Dan Costello (FANS)

Rita Dolan (FANS)

Carol Gilbert (Fitchburg St.)

Rosie Berry (FANS)

The meeting opened at 7:45 P.M.

**NURSING SERVICE DISCUSSION:**

Bill McInnis opened the meeting with brief introductions. Bill discussed the objectives of the task group and the direction that has been given by the Board of Selectmen.

The participants discussed the need for a public health nursing service (responsiveness, quality control, personal care, community involvement). Bill outlined

the schedule of a progress report by early July and a final report by September.

The group discussed developing information on an ideal Nursing Service. Comparing the model agency with the reality agency was also discussed, along with how the present agency can move towards the model goal. Bill stressed that the Nursing Service can not have a deficit nor cost the taxpayers any money. Ms. Gilbert said that if the Nursing Service is required to earn its own keep than it must be given more financial independence.

Mr. Halley explained to the group the current status of the Nursing Service and the issues revolving around employee and contractual status. Mr. Costello felt that the town should take whatever action necessary to justify contractual labor. The need to have a supervisor was also discussed. The group divided the study into 5 tasks as follows:

#### A. Financial Plan

- 1) 1,5 year plan
  - a) current status
    - \* nominal case
    - \* worst case
  - b) new structure
    - \* preliminary
      - nominal case
      - worst case
    - \* final
      - nominal case
      - worst case

Assigned to this group was Bill, Cordelia, Doug and Mary Ellen

#### B. Personnel Status

- 1) Current Status
- 2) Appropriate Classification
- 3) Contract vs employee

Assigned to this group was Mark, Dan, Doug, Mary Ellen and Don Johnson.

#### C. Organizational Plan

- 1) Comparison with other agencies
- 2) Comparison with other towns
- 3) Medicare constraints
  - a) current status
  - b) predicted status

Assigned to this group was Rita, Eleanor Voochies, Margery Burgess, Jim Barbato.

#### D. Benefit of Service

- 1) Current Benefits
  - a) affective
  - b) financial
- 2) Proposed Structure
  - a) affective
  - b) financial

Assigned to this group Rita, Jean, Margaret, Ruth, Rosie.

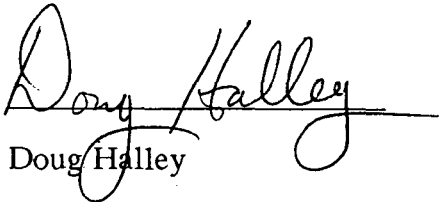
E. Community Assessment

- 1) Demographics
- 2) Fed/State Government

Assigned to this group was Mary Ellen, Doug.

The financial planning group agreed to meet again on May 24, 1993, at 6:30 P.M., in room 126. The whole group agreed to meet again on June 1, 1993, at 7:30 in room 126. At that time each group should have a working outline of the areas they have been assigned and be in the process of filling in the outline. Mark Conoby moved to adjourn the meeting. Jonathan Bosworth seconded. The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Doug Halley". The signature is written in dark ink and is positioned above the printed name.

Doug Halley

Health Director

A handwritten signature in cursive script that reads "William McInnis". The signature is written in dark ink and is positioned above the printed name.

William McInnis

Chairman

cc: BOS

ACTON BOARD OF HEALTH

MINUTES

MAY 24, 1993

MEMBERS PRESENT: Bill McInnis (Chairman)

Cordelia Alfaro

James Barbato

Jonathan Bosworth

Mark Conoby

Peter Vallaincourt (Assoc.)

STAFF PRESENT: Doug Halley (Health Director)

Rose Erdozaincy (Sanitarian)

OTHERS PRESENT: Lisa Wolf

Susan Clarke

Carolyn Hottle

The meeting opened at 7:38 P.M.

REVIEW OF MINUTES:

Mr. Conoby moved to accept the minutes as written. Mr. Barbato seconded. The motion was approved unanimously by the Board.



188 MAIN STREET UPDATE:

Mr. Halley reported to the Board that the conflict, regarding septic system inspections at 188 Main Street, between ABC Cesspool & Raggs Inc., appears to have been resolved. The owner of that property has decided, based on both reports and to make a viable sale, to design done and construct a new septic system.

MASSAGE PRACTITIONER APPLICATION - Carolyn Hottle:

The Board reviewed Ms. Hottle's Massage Practitioner's Application and asked applicable questions which Ms. Hottle answered to the Board's satisfaction. Mr. Conoby moved to grant a Massage Practitioner's License to Ms. Hottle in accordance with the application submitted. Mr. Barbato seconded. The motion was approved unanimously by the Board.

SUSAN CLARK/ ENHALE:

Susan Clark, a representative from ENHALE, presented updated information regarding indoor pollution. Ms. Clark stated that adaptivity of human beings to chemical substances is questionable. The risk/ benefit of technology/ pollution was discussed. Ms. Clark had many points including:

The fallacy regarding dose relationship to toxicity of chemicals.

The focus on mortality reports rather than morbidity reports (morbidity being difficult to document).

Cancer tracking consistently at the expense of other types of illnesses. The medical community's belief in being academically vigorous but largely ignoring toxicology in courses of classical training.

Ms. Clark explained the built in bias of Epidemiology, invisibility of toxins (one asbestos fiber can cause cancer). People can not choose to breathe air, it is a necessity.

Multiple Chemical Sensitivity Syndrome - affects brain waves & in some individuals,

stimulation by smoke or toluene, can cause seizures. Ms. Clark disseminated literature, lists of environmentally responsible cleaning products. The Board asked questions regarding her goals and thanked Ms. Clark for her presentation.

#### CITGO HAZ-MAT PERMIT:

Mr. Halley presented to the Board the details of the inspection which has been conducted of the Citgo facility on Central St. A list of recommended conditions was also presented to the Board. Secondary containment of the on site oil tanks was discussed. The issue of existing empty tanks in the rear of the property was also discussed. The Board stated that if there are no plans to use them in the immediate future they should be removed. If they are to be placed in service they must be checked for tightness and integrity prior to re-filling or re-use. The Board asked the department to re-inspect the site in regards to storage of fuel vehicles over night. The permit hearing will be re-scheduled after the additional information is developed. Mr. Barbato moved to table the permit application. Mr. Conoby seconded. The Board unanimously approved the motion.

#### 8 CASTLE DRIVE VARIANCE:

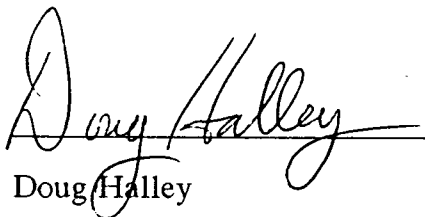
The applicants have requested the Board grant a variance for construction of a slab within 10' of an existing septic tank at 8 Castle Drive. The proposed distance will be 7'-4". Mr. Halley noted that a similar variance had been granted previously by the Board for construction at 4 Castle Drive. It was recommended that the septic tank be pumped and the bottom elevation of the septic tank be verified and that the bottom elevations of the proposed footings be no greater than 2' above the bottom elevation of the septic tank. Mr. Conoby moved to grant the variance with the recommended conditions set by the Health Department. Ms. Alfaro seconded. The Board unanimously approved the motion.

DAY CARE LICENSES:

Mr. Halley informed the Board that they needed to determine on whether they should re-apply for designation as Day Care Inspectors for the Town of Acton. The Board determined that with the hiring of a full time nurse position, this designation should continue. Mr. Bosworth moved to inform the Office for Children of the Board's intent to continue to be the State's designated inspector for the Town of Acton. Mr. Barbato seconded. The Board unanimously approved the motion.

Mr. Conoby moved to adjourn the meeting. Ms. Alfaro seconded. The Board unanimously approved the motion.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Doug Halley", written over a horizontal line.

Doug Halley

Health Director

A handwritten signature in cursive script, appearing to read "Wm. McInnis", written over a horizontal line.

William McInnis

Chairman

ac: BOS

ACTON BOARD OF HEALTH

MINUTES

JUNE 1, 1993

MEMBERS PRESENT: Bill McInnis (Chairman)

Mark Conoby

STAFF PRESENT: Doug Halley (Health Director)

Mary Ellen Mayo (Nursing Administrator)

OTHERS PRESENT: Jean Worfolk (P.A.C.)

Julia Stevens (FANS)

Ruth Porter (FANS)

Rita Dolan (FANS)

Carol Gilbert (Fitchburg St.)

The meeting opened at 7:30 p.m.

NURSING SERVICE DISCUSSION:

Bill McInnis opened the discussion with a brief update on feed back from the Selectmen and the Town Manager. An outline for a plan of review was discussed. It was suggested that the group seek to get on to the nearest available meeting with the Selectmen. The concept of what is the perfect Nursing Service was discussed. Perception of benefits at this point in time was stressed. Values listed as important were continuity and familiarity.

Ms. Gilbert suggested listing guiding assumptions and to develop a test model of an agency. The development of unchangeable assumptions would create the foundation for any future agency. Given the past experience of the agency what assumptions are essential, what assumptions are beneficial but not essential and what assumptions are desirable but not required.

The following assumptions were developed by the group:

1. Providing personal consistent Home Service Care to Acton residents.
2. Provide a safety net of Home Care Services for residents without insurance or other payment systems.
3. Provide preventive Health Care Services.
4. Insure safe day care through timely routine inspections.
5. Provide coordination of Health Care Services to town residents.
6. Responsiveness to Community Health needs.
7. Timely recognition and remedial action to local health concerns.
8. Retention and Promotion of proactive, community oriented, highly qualified health personnel, who are current in the practice.
9. Provide cornerstone for development and function of an integrated Health Care Network.

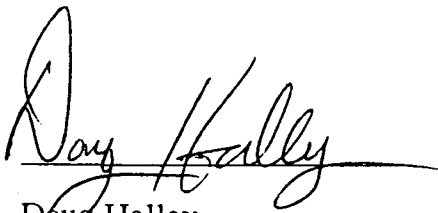
10. Leadership in Public Health Care Education.

11. Operate a financially viable service.

12. Assure accountability to Town.

Mr. McInnis agreed to draft a letter memo to the Board of Selectmen and to distribute it to all group members for comment. The next meeting was scheduled for July 6, 1993 at 7:30 p.m. in Room 126.

Respectfully Submitted

A handwritten signature in cursive script, reading "Doug Halley", written over a horizontal line.

Doug Halley

Health Director

A handwritten signature in cursive script, reading "Wm. McInnis", written over a horizontal line.

William McInnis

Chairman

cc: BOS

ACTON BOARD OF HEALTH  
MINUTES

FEB - 9

JULY 26, 1993

MEMBERS PRESENT: Jonathan Bosworth, Acting Chairman  
Mark Conoby  
Cordelia Alfaro

STAFF PRESENT: Doug Halley, Health Director  
Valerie Sipprelle, Acting Secretary

OTHERS PRESENT: Peter Vaillancourt

The meeting was opened at 7:35 PM.

The minutes of the Board of Health meeting of June 1, 1993 were unanimously approved and accepted as presented.

#### DEP UPGRADE OF TITLE V

Doug Halley presented a packet of Title V upgrade material and explained that this upgrade will involve the replacement of septic systems that were installed prior to 1978 that do not now comply with the current standards, whether they are in failure or not. The prime issue will be how to manage this request. Not only will replacing these septic systems be very costly for the homeowners, but the department staffing to handle all of the inspections will be quite costly to the Town.

#### MALATHION INFORMATION

There were two complaint letters received by the Town concerning the spraying of malathion for mosquitoes, written by people who are opposed to the mosquito program. One person in particular is asking for the spraying to be stopped in an area of approximately one-half mile from her home as she is chemically sensitive to the malathion. There is a program in place for any person in Town to notify and place signs around their house so that their particular area will not be sprayed if they so request. This person is on the list for no spray, however she would like to increase the area a great deal, which would then infringe on other peoples rights to be sprayed.



**MILL CORNER IRRIGATION WELL VARIANCE**

Lunn and Sweeney, developers of Mill Corner, are asking for a Variance to allow them to build an irrigation well as they have been asked by the Planning Board to complete landscaping and have their subdivision in shape before the Fall. The complication for vegetation watering is that sprinklers are not allowed in this subdivision which is supplied by the Water District, and there has been a ban on water this summer as well. Mark Conoby asked that if they grant this Variance, that there be a condition that this well be used for subdivision irrigation purposes only. Mark also asked that Lunn and Sweeney provide a site plan, showing the location of the irrigation well.

On a motion made by Mark Conoby, seconded by Cordelia Alfaro, the Board voted unanimously to GRANT this Variance.

**ACTON CITGO HAZARDOUS MATERIAL**

There have been empty hazardous waste tanks at the rear of the Acton Citgo Station property on Central Street for years. There are large barrels on the back of the property which are only occasionally used during the winter months for fuel storage. There are also four tanks above the ground, also on the rear of the property, which have been empty for an extended period of time and will either reopen them or abandon them completely. There is also a truck which holds diesel fuel, on the property at all times. As Doug Halley pointed out, underground tanks which have been empty for more than a year, must be removed.

The above ground tanks have other requirements. The Board would like to ask the owners of this property to come before them with a plan for the tanks in question. Doug Halley would like to have Acton Citgo commit to a time limit for disposal of their empty tanks. Doug suggested Acton Citgo be given a 90-day time limit to submit a plan for these tanks. Jonathan suggested that the trucks be parked on impervious material so that if there is ever leakage when transferring this material, there will be ground protection. All members agreed to the protection of the ground the tanks and truck are located on. On a motion made by Mark Conoby, seconded by Cordelia Alfaro, the Board voted unanimously to **GRANT** the hazardous materials permit subject to conditions as noted on this permit.

#### NEW ENGLAND TELEPHONE HAZARDOUS MATERIAL

New England Telephone, 5 Craig Road, requests a hazardous materials permit. The Health Dept. has conducted an inspection of this facility, where gasoline, number 2 fuel oil, base motor oil, and antifreeze are stored in small amounts. The used oil is stored in a tank, which is enclosed in a steel frame, in the garage. This facility is well-kept, storage areas are free of clutter, and there is a "Safety-Kleen" recyclable unit in the garage. As there are two tanks on the ground which are over twenty years in age, Doug Halley recommends these tanks are inspected every year.

On motion made by Mark Conoby, seconded by Cordelia Alfaro, the Board voted unanimously to **GRANT** this permit with conditions and modifications.

122 SCHOOL STREET

The homeowners at 122 School Street are requesting that they be granted a variance which would allow them to use an alternative, infiltration septic system to replace their failed, conventional system. This infiltration system consists of chambers which have direct contact with soils and contain twelve inches of stone.

This lot is small and involves wetlands so that there are both setback and other dimensional issues, so that a Variance will be needed. Doug Halley went on to explain that he has "taken a close look at this site", and although he is not opposed to this type of system, Doug feels that a standard system could be "utilized on a smaller area and would have less of an impact on the Variances" that would have to be granted. Doug showed a sketch that he drew which would involve a system with three trenches and clay barriers which would use less space and have room for the leaching field. Doug would recommend that the Board deny the use of an alternative system, but grant a Variance for placement of this more conventional system.

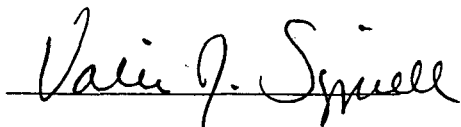
On a motion made by Mark Conoby, seconded by Cordelia Alfaro, the Board voted unanimously to GRANT the Variance for setback distances, using Mr. Halley's plan, subject to conditions noted and with submission of an approved septic system plan.

On a motion made by Cordelia Alfaro, seconded by Mark Conoby, the Board unanimously voted to adjourn the meeting at 9:50 PM.

NEXT MEETING:

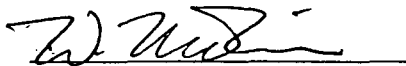
The next regularly scheduled meeting will be held on August 9, 1993 at 7:30 PM.

Respectfully Submitted

A handwritten signature in cursive script, reading "Valerie Sippelle", written over a horizontal line.

Valerie Sippelle

Acting Secretary

A handwritten signature in cursive script, reading "William McInnis", written over a horizontal line.

William McInnis

Chairman

ACTON BOARD OF HEALTH

MINUTES

JUNE 28, 1993

MEMBERS PRESENT: Bill McInnis (Chairman)

Jonathan Bosworth

Mark Conoby

Peter Vaillancourt (Associate)

STAFF PRESENT: Doug Halley (Health Director)

Rose Erdozaincy (Sanitarian)

OTHERS PRESENT: Charlene Telenar

Joseph Laughton

The meeting opened at 7:37 p.m.

MINUTES:

Mr. Conoby moved to accept the minutes of May 10 as amended. Mr. Bosworth seconded. The Board unanimously approved the motion.

Mr. Bosworth moved to accept the minutes of May 24 as amended. Mr. Conoby seconded. The Board unanimously approved the motion.

HAZ. MAT. PERMIT, 421 MASS. AVE., HANDEX CORPORATION

Mr. Laughton of Handex Corporation explained to the Board the dewatering project proposed at the existing Sunoco Station at 421 Mass. Ave. Dewatering is necessary because it is anticipated that the tanks to be removed are in groundwater and that the groundwater may be contaminated. Discussion included the proposed interceptor drain on-site. Sunoco will be pulling/ removing oldest tanks first. Dewatering should only take 2-3 days. Two - 2,000 lb. granular carbon containers will be placed on site in series. Handex will have 24 hour on site observation of the process. Mr. Conoby

suggested taking samples at regular intervals. Water will be discharged into the existing Catch Basin on Main Street after treatment. The Board of Health will receive immediate notification if any testing results indicate breakout of the carbon system.

Mr Conoby moved to grant a Hazadous Materials Permit to Sunoco Oil at 421 Mass. Ave. with amendments to the proposed to the proposed conditions recommended by the Health Department.

Mr. Bosworth seconded. The motion was unanimously approved by the Board.

#### CHARLENE TELENAR - MASSAGE PRACTITIONER:

Ms. Telenar appeared before the Board requesting a Massage Practitioner's License to conduct business in Acton. The Board interviewed Ms. Telenar, asking relevant questions regarding her education and experience.

Mr. Bosworth made a motion to grant Ms. Telenar a Massage Practitioner's License.

Mr. Conoby seconded. The motion was unanimously approved by the Board.

#### LOT 1 HAMMOND STREET - WELL VARIANCE:

The Board reviewed a request from Pyramid Homes to install a drinking water supply well at Lot 1 Hammond Street. Mr. Conoby raised a concern regarding the abutting homes already being connected to the Water District's system. Discussion ensued regarding preceding cases and the rational for granting a well variance in a public water supply area. Financial hardship was discussed and when this hardship becomes manifest injustice. A suggestion was made to require all private wells to test for radon. The Board felt there was insufficient information to grant a variance on economic hardship.

Mr Conoby moved to deny the variance request. Mr Bosworth seconded. The motion was unanimously approved by the Board.

#### JIM BARBATO'S RESIGNATION:

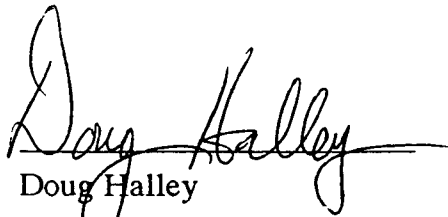
The Board accepted Jim Barbato's resignation. Mr. McInnis suggested that the Board recommend Mr. Vallaincourt to be his replacement. Mr. Vallaincourt expressed interest in being nominated. Mr. McInnis asked Mr. Halley to notify the V.C.C. of the Board of Health's recommendation.

**OTHER BUSINESS:**


The Master Plan comments were reviewed briefly. It was noted that Ms. Fanton was receptive to the Board's comments.

Mr. Bosworth moved to adjourn the meeting. Mr. Conoby seconded the motion. The motion was unanimously approved by the Board. Meeting closed at 9:47 P.M.

Respectfully Submitted



Doug Halley  
Health Director



William McInnis  
Chairman



Commonwealth of Massachusetts  
Massachusetts Office of Business Development  
One Ashburton Place, Room 2101  
Boston, Massachusetts 02108

WILLIAM F. WELD  
GOVERNOR

ARGEO PAUL CELLUCCI  
LIEUTENANT GOVERNOR

GLORIA CORDES LARSON  
SECRETARY

MICHAEL P. HOGAN  
EXECUTIVE DIRECTOR

TELEPHONE:  
(617) 727-3206

FAX:  
(617) 727-8797

CC: BOS -

PLS. NOTE RSVP

ON ATTACHED INVITATION.

February 17, 1994

Dear Colleague:

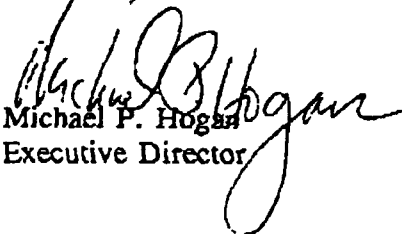
Attached, please find an invitation to the Grand Opening of our Regional Office in Lowell. I hope your schedule will allow you to join us for the announcement and Open House.

We look forward to working with you on economic development issues affecting your community. The Massachusetts Office of Business Development, through its new regional offices, is committed to working with local officials and business leaders to continue the economic resurgence of the Commonwealth.

Please feel free to share this invitation with other leaders who share your interest and concerns regarding economic development.

I hope to see you there.

Sincerely,

  
Michael P. Hogan  
Executive Director



*Governor William F. Weld  
and Lt. Governor Argeo Paul Cellucci  
along with  
Secretary of Economic Affairs Gloria Cordes Larson  
and Executive Director Michael P. Hogan*

*cordially invite you to attend the  
Grand Opening  
of the  
Lowell Regional Office  
of the  
Massachusetts Office of Business Development*

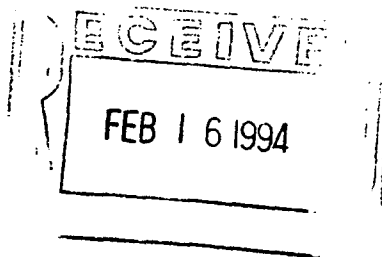
*Thursday, February 24, 1994 at 1 p.m.*

*Wannalancit Office and Technology Center  
600 Suffolk Street  
Fourth Floor  
Lowell*

Open House will follow and  
a light lunch will be served

Please RSVP by Feb. 22 to  
Mary Keefe at (508) 970-1193

GRACE



**Environment, Health & Safety  
Service Center**

W.R. Grace & Co. - Conn.  
55 Hayden Avenue  
Lexington, Mass. 02173

Tel: (617) 861-6600  
Fax: (617) 863-6183

February 14, 1994

**TO:**

Anderson, S./Anderson & Kreiger  
Ayres, J./GZA  
Benoit, E./DEP  
Boynton, R./EPA  
Cheeseman, W./CDM  
Cusson, T./DEP Section Chief  
Eisengrein, R./ACES  
Fox, H. /Legal Defense Fund  
Halley, D./Acton Health Direcot  
Ingram, L./W. R. Grace Environmental Remediation  
Jennings, L./U.S. EPA  
Johnson, D./Acton Town Manager  
LeBlanc, M./MA DEP  
Mahar, M./DEP  
Moore, M./Concord Board of Health  
Muench, G./EPA  
Myette, C./Wehran Envirotech  
Reiter, P./GZA  
Stoler, M./W. R. Grace, Boca Raton  
Swallow, J./Pine & Swallow  
Swanson, B./CDM  
Tuttle, C./DEP

=====

A meeting has been scheduled at W. R. Grace & Co. on Thursday, February 24, 1994 at 9:00 a.m. until approximately 12:30 p.m. in the Environmental Health & Safety Conference room.

The agenda will be the findings of pre-excavation sampling of the Other Waste Areas, and any proposed work and project plan modifications.

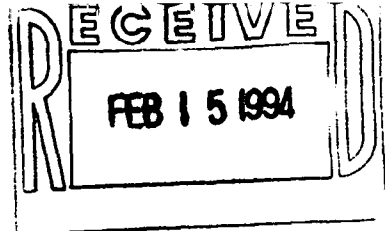
If you are unable to attend, please notify Ginny Sarmatzis on extension 2622.

Thank you,

D.K.  
D. Kronenberg

CC: BOS

REVISED - 2/14/94



**ACTON SCHOOL COMMITTEE  
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE  
MEETING**

Library  
R.J. Grey Junior High

February 17, 1994  
6:00 p.m.

**AGENDA**

- 6:00 p.m. I. CALL TO ORDER
- 6:01 II. JOINT EXECUTIVE SESSION
- 6:15 III. JOINT BUDGET PRESENTATIONS
- 10:30 IV. REGIONAL SCHOOL COMMITTEE BUDGET VOTE
- 10:35 V. ADJOURNMENT OF REGIONAL MEETING
- 10:40 VI. CALL TO ORDER - ACTON SCHOOL COMMITTEE
- 10:45 VII. ACTON SCHOOL COMMITTEE BUDGET VOTE
- 10:50 VIII. ADJOURNMENT

# The Acton Citizen

February, 1994

CC: BOS  
ALL BOARDS & COMMITTEES  
ALL DEPARTMENTS

Dear Town of Acton ~~Boards, Committees, and Commissions,~~

I'm writing to invite you to submit press releases to, and place legal advertisements with, *The Acton Citizen*, a new weekly newspaper that will be devoted solely to the people and the affairs of the Town of Acton.

**Our overall mission is:**

- to be the primary resource for information about the people and affairs of the Town of Acton, *and only Acton*;
- to report thoroughly and objectively;
- to represent fairly the interests and concerns of everyone in our community;
- to advocate for the community - to educate, to inform, to analyze, to evaluate, to advise;
- to be a forum for discussion;
- to contribute to a better sense of community;
- to display the writing and artistic talents of residents.

**We also have an obligation to you, the public servant.** To be an effective community newspaper, we must be the medium through which you communicate with Acton residents.

The *Citizen* will be published for the first time on Friday, March 18, 1994. **Every household in Acton (8,500+) will receive two free editions - one on March 18 and one on March 25.** Thereafter, circulation of the *Citizen* will be by subscription only. I believe people will pay for a quality product. This, I promise: you will be associated with an impressive community newspaper.

Deadline for press releases and legal notices is 11:30 A.M. Wednesday of the week of publication. Legal notices will be billed at a rate of \$7.50 per column inch.

You may mail the information to us or place it in a special box outside our office, which is located above York Realty in the Acton Center Store. The entrance is in the rear of the building, up the long stairway. Please stop in at any time.

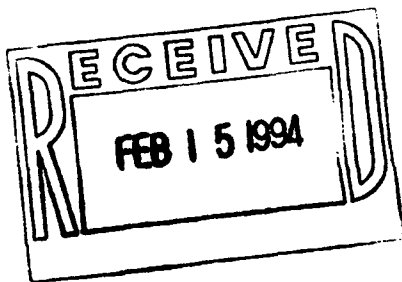
A newspaper committed solely to our community is central to participatory government and meaningful town life. Your contributions to *The Acton Citizen* are an investment in the community.

I look forward to an opportunity to work with you for many years.

Sincerely,



Bob Wiltse  
Publisher, *The Acton Citizen*



cc. Tom  
1994

## MUNICIPAL FORUM MINUTES

February 14, 1994

**PRESENT:** Steve Aronson, Paul Kahout, Isa Zimmerman, Dore' Hunter, Bob Wiltse, Nancy Tavernier, Jake Diemert, Bill Ryan, Mary Donald, Don Johnson

**OBSERVERS:** Ann Chang

Jake Diemert called the meeting to order at 7:20AM.

1. Minutes were approved with the following changes:

2. Jake Diemert was designated a Special Municipal Employee by the BOS in his role as Municipal Forum Facilitator.

4. Last line - Dore'... if we need an override at the regional level, the BOS will defer to the SC on the format of the school questions

2. Report from Minuteman Tech - Bob Wiltse

Bob reported that the assessment for Acton will be \$497,496 for FY95, \$34,332 of it is an increase mandated by DOE even though Acton enrollment has dropped.

Minuteman SC plans to request a waiver from the mandated increase for FY95 and has filed legislation that requests a change in Ed Reform to allow the current regional agreements to be used for assessments rather than a town by town calculation using the MGF factor.

3. Local School Budget

Isa presented the proposed local school budget numbers. The Town's projected school numbers and the schools' proposal are only off by \$40,000. The schools are requesting a spending increase for local schools of \$888,784 (9.6%). The state is mandating an increase of \$366,512 which leaves the need for a potential override of \$522,272. The latter is a preliminary number, the budget has not been adopted by the local school committee yet. There were many questions for clarification by Forum members.

4. Regional School Budget

Isa presented the Regional School budget request which represents a 3.6% increase over last year's spending and therefore does not need an override since that matches the percentage mandated by the state. The

assessment will go up a total of 7.4% to the two communities: 5.8% to Acton and 15.3% to Boxboro. Isa is recommending that the Regional School committee lower assessments by at least \$100,000 through the use of E & D. The BOS members expressed appreciation for this lowering of assessments.

The FY94 total adjustment will be around \$80,000 more that the town must give the 2 school systems, that money will be voted at April Town Meeting and will come from the Town's Free Cash account.

Steve Aronson expressed concern about the inability of the local and regional school committees to juggle money between the 2 budgets as has been done in the past because DOE now mandates a spending level for each. Both Acton and Boxboro local schools have a problem in this regard. The schools will be looking for ways to allow greater flexibility between the budgets.

#### 5. Town Budget

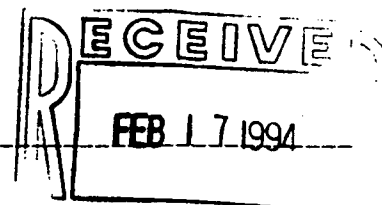
Dore' mentioned that the Town Budget will be discussed in detail at the 2/15 meeting and that there may be a BOS decision to fund some of the positions in the library and land use areas that were cut in past several years. If so, the town general override required would be \$107,000 and would most likely be a separate question on the ballot since it would be very easy to explain the need for the increase. The Selectmen will be presenting a Base "B" Budget to Town Meeting with separate Capital articles and probably a small general override to restore cut positions. This will be decided 2/15.

6. There was discussion about the plans for the Serendipity Child Care Center which must vacate the Merriam school 7/1/94. Isa agreed to call Bobbie Calloway to suggest that she move immediately on her plans to construct since there is at least a 4-6 month lead time needed to get all of the necessary permits in place. The Town must adhere to certain statutory time limits and cannot "expedite" zoning and site plan decisions if all of the details have not been worked out and are <sup>not</sup> in full compliance with all zoning and site plan requirements.

7. The next meeting will be Monday, March 7 at 7:15 AM. There were no specific agenda items discussed for that meeting.

8. Meeting adjourned at 8:30 AM.

MINUTES FORM  
Please send a copy after each meeting to Town Hall



MINUTES OF \_\_\_\_\_ Meeting of Cemetery Commissioners \_\_\_\_\_

Meeting posted: ☒ yes, ☐ no

Date: January 19, 1994 Time: 7:30p.m. Place: Kennedy Service Building, Woodlawn Cemetery

Members present: E. Bailey, W. E. C. George, B. Conant

also present: D. Lee, N. Howell, A. Warner, D. Charter (came after his meeting to schedule athletic fields)

1. Meeting began at 7:30p.m.
2. Youth Soccer Update
  - A. Warner reported - no news yet, he hopes he will have more to report next month.
  - D. Lee suggested location of well be moved from site shown on Mr. Warner's plan to the area of the old Robbins well (inside the chain and ahead to the right. It is covered with a stone slab @ 5' X 5'). A. Warner agreed with this recommendation.
  - Mr. Warner left after this discussion.
3. Minutes of the December 8th meeting were unanimously accepted as amended.
4. Section 14 - Update
  - Nothing visual has been done since our last meeting.
  - D. Lee has ordered the metal rod stakes for the surveyors to use
  - Yesterday, D. Charter and D. Lee met with three engineers re: timetable for bids.
  - D. Lee went to Hudson to have velum map of Sec. 14 made so that Dave Abbt can make copies for the engineers.
5. Snyder Land
  - No further word at this time
  - D. Lee reported that D. Charter is going to write up proposals for two parcels of land we are interested in buying
    - A. the Snyder land, as discussed in previous meetings
    - B. @5 acres of Feltus land, 90% of which is wetlands. Would be beneficial to own this piece in advance of constructing the double-road access as per the Master Plan
  - D. Charter and D. Abbt are working on the specs.
6. Wetherbee Fund Update
  - Commissioners reviewed memo and packet of information on the fund and voted unanimously to send the entire packet to the Board of Selectmen.
7. FY95 Budget
  - N. Howell distributed copies of:
    - A. Cemetery salaries and expense budgets as reported at the First Annual Budget Retreat in progress at the Senior Center at Audobon Hill.
    - B. Expected interest to be earned on Trust Funds based on FY92 figures at 6% interest
  - She explained that the Town was hoping the Commissioners could contribute \$65,000.00 from Funds toward Cemetery salaries.
  - After reviewing the sheet mentioned in "B" above, the Commissioners voted unanimously to appropriate the sum of \$65,000.00 from Cemetery Trust Funds to be applied to salaries for work done in the cemeteries.
  - The Commissioners wanted it entered into the record that they appreciate the work Nancy has done preparing the budget.

8. New Business
  - A. N. Howell presented the Commissioners Report for the Annual Town Report.  
The report was unanimously accepted as amended.
  - B. N. Howell presented the Veterans Burial Agent's report  
Discussion followed this report as to who might be eligible to replace Stewart in this position. It was noted that D. Lee was honorably discharged from the Air Force R.O.T.C. program, E. Bailey served in WW II, and W. George served in WW II and Korea. Nancy said that she would relay that information to Don Johnson for his consideration. (Since the meeting, Nancy discovered that former Commissioner C. Putnam served in WWII.)
  - C. Discussed letter from D. G. Robbins re: the two grave spaces in the Robbins lot he wanted to reserve for himself and his wife. The Commissioners agreed that we should wait to hear from Mark Robbins and his mother before responding to his request.
9. Next meeting - Wednesday, February 9, 1994 - (B. Conant will be out of town)
10. Meeting adjourned at 9:05 p.m.



001 BOS  
FILE

CAMP DRESSER & McKEE INC.

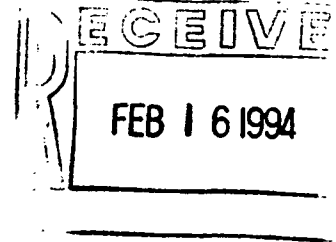
**MEMORANDUM**

TO: Distribution

FROM: William R. Swanson *WRS*

SUBJECT: Monthly RD/RA Progress Report

DATE: February 15, 1994



Enclosed is the monthly RD/RA Progress Report for January 1994. If you have any questions, please call.

BRC:paa

Enclosures

**Distribution:**

- L. Jennings, EPA (6)
- E. Benoit, DEP (2)
- C. Tuttle, DEP Boston (2)
- D. Halley, Acton (3)
- D. Johnson, Acton (1)
- J. Ayres, GZA (1)
- P. Reiter, GZA (2)
- C. Myette, Wehran-MDEP (1)
- S. Anderson (1)
- D. Kronenberg, Grace (1)
- W. Cheeseman, FHE (1)
- H. Fox, Sierra Club (1)
- R. Eisengrein, ACES TAG Mgr. (1)
- J. Swallow, Pine & Swallow (1)
- M. Moore, Concord Board of Health (1)

**W.R. GRACE & CO.  
ACTON, MASSACHUSETTS  
MONTHLY RD/RA PROGRESS REPORT  
JANUARY 1994**

**PAST AND PRESENT ACTIVITIES**

Meetings:

There were no technical meetings in January 1994.

Monitoring Wells:

The fourth quarter preclosure baseline sampling was completed on 1/14/94.

Landfill Recovery Well:

Groundwater extraction system continued to function as designed.

Blowdown Pit:

No activity this month.

Remediation Design:

Representatives of W.R. Grace, GZA Remediation Inc., Canonic Environmental and CDM Inc. met on January 20, 1994 at CDM to discuss the site remediation work specified in the Contract Documents and the roles of parties involved in the site cleanup. GZA Remediation Inc. is the selected contractor.

Sampling and analysis data on the contaminated sludge and soil found in the Boiler and Battery Separator Lagoons which may require additional work prior to disposal, was prepared and submitted.

VFL Pilot Study

CDM is awaiting comments on the BACT analysis on the VFL process and curing emissions documents submitted on November 5th.

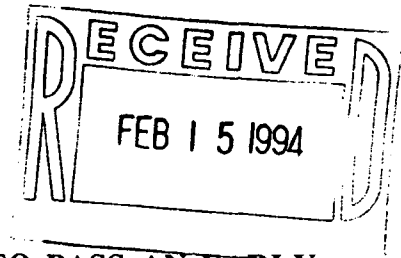
**FUTURE ACTIVITIES (FEBRUARY 1994)**

The next technical meeting is not yet scheduled. Complete pre excavation sampling data analysis.

**UNRESOLVED DELAYS**

A new schedule has been accepted by the GP. Any delays will be measured off of the new schedule.

# MMA Action



## **CALL YOUR LEGISLATORS AND ASK THEM TO PASS AN EARLY RESOLUTION ON LOCAL AID**

For the first time since 1988, it appears that the Legislature may take up an "Early Resolution" on local aid. Already, two resolutions have been filed on Local Aid: one by Representative Christopher Hodgkins (D-Lee), and one by Governor Weld.

In order to be useful to local officials, the local aid resolution, which tells communities the minimum amount of local aid they can expect for fiscal year 1995, must be passed by both branches in February or early March. This time frame then allows the Department of Revenue to send out realistic Cherry Sheets by mid to late March.

**Please call your Legislators today. Ask them to do three things:**

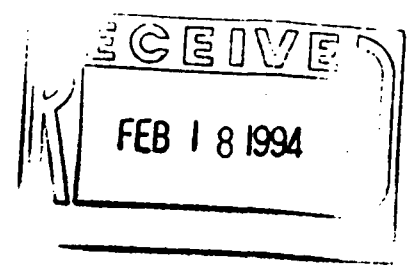
- **First, take up the Early Resolution on Local Aid as soon as possible;**
- **Second, make sure that the resolution, at a minimum, sets local aid for FY '95 at the levels in Governor Weld's proposed budget (fully funding education reform with \$184.4 million, and providing a \$40 million increase in local lottery aid);**
- **Third, include language in the resolution that clearly states that the additional \$40 million in lottery is unrestricted and unearmarked, so that the funds can be used for public safety, public works, and other key municipal needs.**

An Early Resolution is merely the first step on local aid. Throughout the state budget process MMA will be seeking to further increase unrestricted local aid to communities.

An Early Resolution will establish the minimum amounts of local aid that cities and towns will receive in FY '95. It will allow communities to begin the budget season with realistic local aid numbers. It is an important first step toward restoring predictability and stability to local aid.

TO: Don Johnson  
FROM: Nancy Tavernier  
SUBJECT: Trees/Odor issue  
DATE: 2/18/94

ACHC



I have spoken briefly to Dean Charter in regard to the trees vs. odor issue raised by Adams St. neighborhood residents (a.k.a. NIMBY's). I would be interested in any help that Dean can give us in verifying this claim. I would not expect any extensive research on the matter but rather a simple survey of his arborist colleagues.

Could you please ask Dean to call as many of his colleagues as he has time for to ask them the following questions (or any that he thinks are more appropriate):

1. Have you ever heard of trees being used to mitigate odors, such as from a sewage treatment plant or chemical plant? If so, what kind of trees? What density? What distance?

2. In your opinion, would trees placed between a sewage treatment plant and homes 500Ft. away mitigate any potential odors? If so, which trees would be best? What density?

I would like it if Dean could write up his findings in a brief memo and add his opinions of course. This memo should be in the BOS packet prior to the 3/1/94 meeting with a copy for ACHC as well.

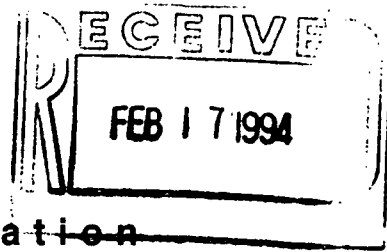
Thank you for your help.

2/18/94

DEAN -

PLEASE SEE WHAT YOU CAN DO TO  
HELP DEVELOP INFO. NANCY IS SEEKING.  
EXCEPTION - #2 ... SEE IF YOU CAN GET  
OPINION FROM OTHER RELIABLE SOURCE.

Don



**TOWN OF ACTON**  
**Inter-Departmental Communication**

DATE: February 17, 1994

**TO:** Board of Selectmen

**FROM:** The Cemetery Commissioners

**SUBJECT:** J. Roland Wetherbee Cemetery Fund

The following is taken directly from the report of the Town Meeting of March 14, 1949:

"Article 33. (Cemetery Fund) To see if the town will accept the gift of Ten Thousand (10,000) dollars from J. Roland Wetherbee of Putney, Georgia, to be known as the J. Roland Wetherbee Cemetery Fund, for the purpose of improving certain lots at Woodlawn Cemetery pursuant to the terms of a written instrument dated October 9, 1948, and act anything thereon.

Voted: That the town accept the gift of Ten Thousand (10,000) dollars from J. Roland Wetherbee of Putney, Georgia, to be known as the J. Roland Wetherbee Cemetery Fund, for the purpose of improving certain lots at Woodlawn Cemetery pursuant to the terms of a written instrument dated October 9, 1948."

From the time of its inception in 1949 through the end of fiscal 1992, the accrued interest of this original \$10,000.00 fund as grown to over \$56,500.00. The lots to be cared for by this fund are:

Daniel J. Wetherbee	lots 13 & 14, Pine Ave.
Daniel Wetherbee	lot 2, at the corner of Forest Ave. and Ellsworth Ave.
Jonas Putney	lot 1, at the corner of Myrtle Ave. and Linden Ave.

The Wetherbee fund presently earns over \$4,000.00 annually and we expend approximately \$500.00 annually providing care for the above lots and their related monuments, markers, shrubs and flowers.

The agreement states "Any amounts of the unexpended balance of income received from said Fund shall be permitted to accumulate and left on deposit in said SAVING BANK, to be used at the discretion and direction of said CEMETERY COMMISSIONERS at any future time when they may, for the purposes herein set forth, withdraw and expend any or all of said accumulated income."

We feel that this would be an appropriate time to go to court to see if we can broaden the terms of the fund, i.e. Effective July 1, 1994, any annual income earned by the J. Roland Wetherbee fund, that is in excess of the amount necessary to care for these lots as per the agreement, can be used by the Cemetery Commissioners for the maintenance and care of Woodlawn Cemetery.

cc: BOS

DEAN CHARTER - HAS THIS  
QUESTION BEEN ASKED  
OF TOWN COUNSEL?

2/18/94

Cemetery Commissioners

*Edward R. Ben*  
*Walter E. Gagne*

*Wm*

## FY92 FUND REPORT FOR FY94 BUDGET

REF	DESCRIPTION	PRINCIPAL	ACCRUED	PRINC. + INT.	ESTIMATED	FY94	FY94	FY94	FY94
NO.			INTEREST	TO GENERATE	93-94	SALARIES	EXPENSES	TOTAL	BALANCE
			FY92	INCOME	AT 6.70%	BUDGETED	BUDGETED	BUDGETED	PER FUND
801	Ames	\$465.49	\$699.16	\$1,164.65	\$78.03	\$63.00	\$10.00	\$73.00	\$5.03
802	Appleyard	\$2,000.00	\$3,524.95	\$5,524.95	\$370.17	\$188.00	\$97.00	\$285.00	\$85.17
803	New Per-Care	\$336,620.00	\$57,999.19	\$394,619.19	\$26,439.49	\$19,900.00	\$6,500.00	\$26,400.00	\$39.49
804	Old Per-Care	\$178,259.92	\$152,377.02	\$330,636.94	\$22,152.67	\$19,350.00	\$2,800.00	\$22,150.00	\$2.67
805	Conant	\$1,000.00	\$2,136.99	\$3,136.99	\$210.18	\$153.00	\$52.00	\$205.00	\$6.18
806	Davis	\$1,000.00	\$2,137.01	\$3,137.01	\$210.18	\$148.00	\$10.00	\$158.00	\$52.18
807	Desmond	\$3,000.00	\$5,507.62	\$8,507.62	\$570.01	\$431.00	\$83.00	\$514.00	\$56.01
808	Robbins & Desc.	\$1,000.00	\$1,551.43	\$2,551.43	\$170.95	\$101.00	\$10.00	\$111.00	\$59.95
809	Robbins Woodlawn	\$1,500.00	\$2,387.53	\$3,887.53	\$260.46	\$208.00	\$47.00	\$255.00	\$5.46
810	Capt. Robbins	\$2,500.00	\$9,686.19	\$12,186.19	\$816.47	\$320.00	\$10.00	\$330.00	\$486.47
811	Robbins & Ames	\$21,210.08	\$66,204.74	\$87,414.82	\$5,856.79	\$3,000.00	\$2,850.00	\$5,850.00	\$6.79
812	Whitney	\$1,500.00	\$1,395.36	\$2,895.36	\$193.99	\$64.00	\$123.00	\$187.00	\$6.99
813	Hayward	\$1,000.00	\$4,972.81	\$5,972.81	\$400.18	\$58.00	\$41.00	\$99.00	\$301.18
814	Holt & Scott	\$500.00	\$953.41	\$1,453.41	\$97.38	\$50.00	\$41.00	\$91.00	\$6.38
815	O'Neil	\$372.39	\$909.80	\$1,282.19	\$85.91	\$20.00	\$25.00	\$45.00	\$40.91
816	Knowlton	\$1,000.00	\$1,551.01	\$2,551.01	\$170.92	\$124.00	\$40.00	\$164.00	\$6.92
817	Blanchard	\$2,419.24	\$4,439.95	\$6,859.19	\$459.57	\$232.00	\$83.00	\$315.00	\$144.57
818	Raymond Mon.	\$700.00	\$6,100.49	\$6,800.49	\$455.63	\$18.00	\$0.00	\$18.00	\$437.63
819	Raymond Lot	\$2,000.00	\$4,309.38	\$6,309.38	\$422.73	\$339.00	\$77.00	\$416.00	\$6.73
820	Hosmer	\$102,238.95	\$126,361.73	\$228,600.68	\$15,316.25	\$10,300.00	\$5,000.00	\$15,300.00	\$16.25
821	Wetherbee	\$10,000.00	\$56,549.91	\$66,549.91	\$4,458.84	\$295.00	\$191.00	\$486.00	\$3,972.84
822	Watson	\$2,500.00	\$4,665.65	\$7,165.65	\$480.10	\$264.00	\$77.00	\$341.00	\$139.10
823	Wells	\$3,000.00	\$12,873.83	\$15,873.83	\$1,063.55	\$84.00	\$67.00	\$151.00	\$912.55
824	Jenks	\$142,176.26	\$106,241.12	\$248,417.38	\$16,643.96	\$10,000.00	\$6,100.00	\$16,100.00	\$543.96
825	Smith	\$2,000.00	\$2,180.20	\$4,180.20	\$280.07	\$210.00	\$61.00	\$271.00	\$9.07
826	Jones	\$1,000.00	\$975.58	\$1,975.58	\$132.36	\$90.00	\$35.00	\$125.00	\$7.36
	Sub Total (All Others)	\$40,457.12	\$129,508.26	\$169,965.38	\$11,387.68	\$3,460.00	\$1,180.00	\$4,640.00	\$6,747.68
	Total	\$820,962.33	\$638,692.06	\$1,459,654.39	\$97,796.84	\$66,010.00	\$24,430.00	\$90,440.00	\$7,356.84

RALPH W. STEARNS  
ATTORNEY AT LAW  
375 CENTRAL STREET  
WEST ACTON, MASS.

August 25, 1948.

Cemetery Commissioners  
Town of Acton,  
Acton, Massachusetts.

Gentlemen:

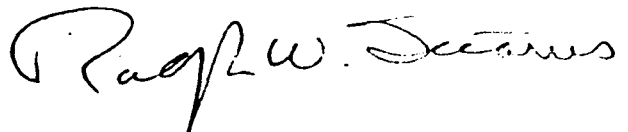
Mr. Kennedy has examined all of the Town Reports to see how far they affect the proposed gift to the Town by Mr. J. Roland Wetherbee. In examining the same, it becomes evident that there should be changes in your Rules and some Articles prepared for the next Town Warrant.

However, I believe that this gift can be made to the Town in the sum mentioned in the letter of Mr. Fred L. Robbins. It may require a confirmatory vote at the Town Meeting, but the amount could be turned over to the Town Treasurer in the meantime and held by him until such vote has been taken.

This is my present opinion, but I have just a little more research to make in regard to the whole subject and will finish the matter the first of next week and prepare the proper form for making the gift.

I have been called away and expect to be back Monday night.

Very truly yours,



RWS/m

KNOW ALL MEN BY THESE PRESENTS:

That I, J. Roland Wetherbee, of Putney, Georgia, hereby give to the Town of Acton, County of Middlesex, Commonwealth of Massachusetts, the sum of TEN THOUSAND (10,000.00) DOLLARS, to be known as THE J. ROLAND WETHERBEE CEMETERY FUND, in trust nevertheless, for the following purposes:

(1) Said FUND SHALL BE PLACED ON DEPOSIT IN MASSACHUSETTS SAVING BANKS.

(2) The income from said fund shall be used only for the care of the following lots in Woodlawn Cemetery in Acton, Massachusetts: -

LOTS: No. 13 and 14, Pine Avenue, known as the Daniel J. Wetherbee lot.

Lot: No. 2 Corner of Forest Avenue and Ellsworth Avenue, known as the Daniel Wetherbee Lot; and

Lot: No. 1 Corner of Myrtle Avenue and Linden Avenue, known as the Jonas Putney Lot.

(3) The care mention in paragraph (2) hereof shall include keeping said lots in the best possible condition by frequent cutting of the grass on the same and watering when necessary; re-seeding and grading when necessary; cleaning and repairing the monuments, headstones, and any other stones on these lots, from time to time; and doing all other things necessary or adviseable for the improvement or betterment of said lots so far as the income of said FUND shall permit; the CEMETERY COMMISSIONERS of said TOWN OF ACTON, to be the sole judges of what care shall be given said lots under this paragraph and paragraph (4) of this document.

(4) Any amounts of the unexpended balance of income received from said FUND shall be permitted to accumulate and left on deposit in said SAVING BANKS, to be used at the discretion and direction of said CEMETERY COMMISSIONERS at any future time, when they may, for the purposes herein set forth, with draw and expend any or all of said accumulated income.

Dated October 9, 1948

Accepted at the Annual Town Meeting of March 14, 1949  
Article 33 of said warrant.

December 10, 1993: This document has been retyped on a computer so that clear, easy-to-read copies can be made. Copied from a copy of a document on file in the Wetherbee, J. Roland - Fund folder. N.J.H.



RALPH W. STEARNS  
ATTORNEY AT LAW  
375 CENTRAL STREET  
WEST ACTON, MASS.

COPY

T O W N T R E A S U R E R

(Official )  
(Letterhead)

Acton, Mass.

Acton, Massachusetts  
November 18, 1948

RECEIVED from J. Roland Wetherbee the sum of TEN THOUSAND  
(\$10,000.00) Dollars, to be known as The J. Roland Wetherbee  
Cemetery Fund, to be held in Trust and administered in ac-  
cordance with the uses and purposes set forth in a certain  
instrument executed by the said J. Roland Wetherbee and  
dated the Ninth day of October 1948.

TOWN OF ACTON MASSACHUSETTS

By Wm. Henry Soar . . . . .  
Treasurer

(Town Seal)

We, the undersigned, in accordance with our legal au-  
thority, agree to carry out the terms of the above men-  
tioned Agreement.

*Ray L. Davis* . . . . .

*Harry E. Holt* . . . . .

*Howard F. Jones* . . . . .

Cemetery Commissioners of The Town  
of Acton, Massachusetts

December 14,

40

To the Honorable Board of Selectmen  
Acton, Mass.

Gentlemen:-

We submit the following article, for the 1949 annual  
Town Meeting warrant.

To see if the Town will accept the gift of  
TEN THOUSAND ( \$10,000.00 ) Dollars from J.  
Roland Wetherbee, of Putney, Georgia, to be  
known as the J. ROLAND WETHERBEE CEMETERY FUND,  
for the purpose of improving certain lots at  
Woodlawn Cemetery, pursuant to the terms of a  
written instrument dated October 9, 1948.

Respectfully submitted,

Cemetery Commissioners,  
Town of Acton, Mass.

C O P Y

KNOW ALL MEN BY THESE PRESENTS:-

That I, J. Roland Wetherbee, of Putney, Georgia, hereby give to the TOWN of Acton, County of Middlesex, Commonwealth of Massachusetts, the sum of TEN THOUSAND (\$10,000.00) DOLLARS, to be known as THE J. ROLAND WETHERBEE CEMETERY FUND, in TRUST. nevertheless, for the following purposes:

- 1 : - Said FUND SHALL BE PLACED ON DEPOSIT IN MASSACHUSETTS SAVINGS BANKS.
- 2 : The income from said fund shall be used only for the care of the following lots in Woodlawn Cemetery in Acton, Massachusetts:-  
  
LOTS: No 13 and 14, Pine Avenue, known as the Daniel J. Wetherbee Lot;  
  
LOT : No 2 Corner of Forest Avenue and Ellsworth Avenue, known as the Daniel Wetherbee Lot; and  
  
LOT : No 1 Corner of Myrtle Avenue and Linden Avenue, known as the Jonas Putney Lot.
- 3 : The care mention in paragraph (2) hereof shall include keeping said lots in best possible condition by frequent cutting of the grass on the same and watering when necessary; re-seeding and grading when necessary; cleaning and repairing the monuments, headstones, and any other stones on these lots, from time to time; and doing all other things necessary or advisable for the improvement or betterment of said lots so far as the income said FUND shall permit; the CEMETERY COMMISSIONERS of said TOWN of ACTON, to be the sole judges of what care shall be given said lots under this paragraph and paragraph (4) of this document.
- 4 : Any amounts of the unexpended balance of income received from said FUND shall be permitted to accumulate and left on deposit in said SAVING BANKS, to be used at the discretion and direction of said CEMETERY COMMISSIONERS at any future time when they may, for the purposes herein set forth, withdraw and expend any or all of said accumulated income.

Accepted at the Annual Town Meeting of March 14, 1949

Article 33 of said warrant

(F.R.)

Subj: I9401633

CHIEF,

ON 2/11/94 AT AROUND 18:11 PM THE HIGHWAY DEPARTMENT REQUESTED THE REMOVAL OF RI REGISTRATION WC-130 (85 CADDILAC REGISTERED TO WENDY CAPUTO 1956D VILLAGE (EN SQ E.PROVIDENCE RI) FROM KNOWLTON DRIVE FOR SNOW REMOVAL.

DET GREY, WHILE WORKING AS DISPATCHER, TOLD ME HE ATTEMPTED TO REACH THE OWNER VIA TELEPHONE BUT WAS UNSUCCESSFUL. T.FENNIMAN WAS DISPATCHED TO THE SCENE AND WAS UNABLE TO DETERMINE THE LOCATION OF THE OWNER.

THE VEHICLE IN QUESTION WAS PARKED ON A PUBLIC WAY LEAVING LESS THAN TEN FEET OF UNOBSTRUCTED LANE. THIS VEHICLE HAD SNOW REMOVAL IN THE AREA AND APPEARED TO BE ABANDONED AS IT APPEARED TO HAVE SNOW FROM SEVERAL PREVIOUS STORMS ON AND AROUND IT. IT WAS ALSO DOUBTFUL THAT A FIRE ENGINE COULD HAVE PASSED SAFELY THROUGH THE AREA IN QUESTION.

SUBSEQUENTLY, I GAVE THE ORDER TO TOW THIS VEHICLE FROM KNOWLTON DRIVE. I SUSPECTED THIS VEHICLE MAY BE A DMV SO I DID NOT INSTRUCT DET FENNIMAN TO ISSUE A PARKING TICKET.

ON SATURDAY 2/12/94 AT 11:43 AM SERGEANT PARISI RECEIVED A TELEPHONE CALL FROM MRS DONNA DEBOEVER 20 KNOWLTON DRIVE (I9401666) COMPLAINING ABOUT OUR ACTION, TO WIT: TOWING THE VEHICLE IN QUESTION WHICH BELONGED TO HER SISTER. MRS DEBOEVER WAS VERY UPSET AND WAS NOT COMPLETELY SATISFIED WITH OUR EXPLANATION. IT IS MY UNDERSTANDING THAT SHE WILL BE CALLING TOWN HALL MONDAY.

IT SHOULD BE NOTED THAT THIS VEHICLE WAS NOT PARKED IN FRONT OF THE DEBOEVER RESIDENCE BUT SEVERAL HOUSES AWAY. DETECTIVES GREY AND FENNIMAN CAN PROVIDE ADDITIONAL DETAILS SHOULD THEY BE NEEDED.

SE - ANT T. ROGERS



cc: BOS - FYI

TOWN OF ACTON POLICE DEPARTMENT  
INTER-DEPARTMENTAL COMMUNICATION

TO: Town Manager  
FROM: Police Chief  
SUBJ: Stegeman Complaint

DATE: February 18, 1994

CC: BOS - FYI  
RE EARLIER COMPLAINT LTR.

Please find the file attached including the letter of complaint and various reports.

As I understand the complaint, the Stegeman's allege that their daughter was not allowed to make a statement, the vehicle damage was not viewed, the paperwork was not ready for them at the station, they were told there was no ticket, the other operator was at fault, and the license was to be suspended without a right of contesting the ticket.

Officer Cowan claims to have talked to witnesses and those involved in the accident and informed the Stegeman's that their daughter would be receiving a ticket. Twenty photos were taken of the vehicles and the accident scene and are available for viewing. As you know determination of fault is made by the court and or the insurance companies, however, after reading the accident report and statement of witnesses plus viewing the photographic evidence I am comfortable with the citation issued.

Although Officer Cowan claims to have made 3 copies of the paperwork (one copy for each operator, citation included for Ms. Stegeman) and 2 of the three packets, as instructed, were picked up by those involved. I remain concerned with the citation delivery procedure. The citation should have been given at the scene or mailed to the offender. I have taken action to correct same. I do not know what eventually happened to the offender's copy of the citation and will take the responsibility for that, however, the accident report they received clearly states that Ms. Stegeman would be charged with an offense and when they complained about the notice of suspension the

TOWN OF ACTON POLICE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

rosecutor told them they could file for a late hearing and contest the citation. Apparently they paid the fine instead.

I think some of the problem is communication and can see how this probably happened, I think they came in and asked the dispatcher for a copy of the paperwork instead of asking for the paperwork Officer Cowan left for them (2 of the 3 were picked up), a copy was made and the dispatcher didn't include the ticket because it was in the packet that Cowan had already made for them and was sitting in the mail box at the dispatch center.

As I mentioned before I will take the responsibility for them not initially receiving the citation but the Prosecutor told them the remedy.

CC: BOS

2/10/94

: GEORGE ROBINSON - PLEASE PROVIDE  
A REPORT FOR  
REVIEW BY BOS.

FEB - 1

Mr. and Mrs. James Stegeman  
16 Meeting House Road  
Acton, Massachusetts 01720  
February 1, 1994

Mr. Dore Hunter  
Chairman, Board of Selectmen  
Acton Town Hall  
472 Main Street  
Acton, Massachusetts 01720

Dear Mr. Hunter,

As taxpayers in Acton for more than eighteen years, we would like to formally express our dismay concerning the way our daughter has been treated by the Acton Police Department. Our seventeen-year-old daughter was involved in an automobile accident on Parker Street on November 15, 1993. As the accident occurred just yards from our home, we also were at the site of the accident within minutes. At the scene, our daughter was not allowed to make a statement and the damage to her vehicle was never inspected. The officer who responded to the accident instructed us to report to the police station at 3:00 PM that afternoon to pick-up "the paperwork". He also mentioned the possibility of a ticket.

When we arrived at the police station that afternoon, the officer on duty told us there was no "paperwork" there for our daughter. He told us we could pay \$2.00 for a copy of the accident report, which we did and our daughter signed a release form. We specifically asked about a ticket and were told that none existed.

~~Upon reading the accident report~~, we learned that the police believed that our daughter had "broad-sided" the other vehicle, causing the accident. Our daughter has maintained from the beginning that she was hit by the other vehicle which was already spinning out of control. The damage to our daughter's car (broken plastic on the left front directional signal and a bumper shifted to the right) and her injuries (strained right trapezius muscle) both strongly support that claim. The other car was completely destroyed after spinning into a school bus.

On December 23, 1993, our daughter received a letter from the R.M.V. informing her that her license was being suspended for non-payment of a traffic citation. A citation she did not know existed. The Acton Police concede that the citation had never been issued but we were still forced to pay \$35.00 plus an additional \$40.00 late fee to enable our daughter to retain her license. We also were denied our legal right to contest the citation.

Our daughter now must pay a huge surcharge on her insurance when she did nothing wrong. How sad that a middle-aged male who was apparently speeding on a wet, winding road, while talking on a car phone can go blameless while a seventeen-year-old female is forced to assume all fault without being allowed to defend herself.

James C. Stegeman  
Margaret A. Stegeman



TO: CHIEF ROBINSON  
FROM: ROBERT L. COWAN JR.  
SUBJ: STEGEMAN COMPLAINT

---

DATE: February 15, 1994

THIS LETTER IS IN RESPONSE TO THE ALLEGATIONS MADE BY MR. JAMES STEGEMAN OF 16 MEETING HOUSE RD. ACTON REGARDING HIS DAUGHTER'S M/V ACCIDENT ON 11-15-93. ALL THE OPERATORS INVOLVED IN THIS ACCIDENT WERE ASKED BY THIS OFFICER WHAT HAD HAPPENED. ALL THE VEHICLES INVOLVED IN THIS ACCIDENT WERE INSPECTED FOR DAMAGE. I INDICATED ON MY ACCIDENT REPORT THE DAMAGE TO EACH VEHICLE. AFTER ALL THE SCHOOL CHILDREN ON THE BUS AND THE OPERATORS WERE CHECKED BY THE ACTON FIRE DEPARTMENT FOR INJURIES I BEGAN TO BOOK THE ACCIDENT. I SPOKE TO EACH OPERATOR REGARDING HOW TO ACQUIRE ACCIDENT REPORT INFORMATION. I ADVISED SAME THAT I WOULD HAVE THE ACCIDENT REPORT READY FOR THEM AT 3PM 11-15-93. I ADVISED THE OPERATORS AND WHO I BELIEVED TO BE MR. AND MRS. STEGEMAN THAT THE ACCIDENT REPORT WOULD HAVE ALL THE NEEDED INFORMATION FOR THEM. I ADVISED THE STEGEMANS THAT THEIR DAUGHTER WOULD BE RECEIVING A CITATION FOR A M/V INFRACTION.

AT THE POLICE STATION I MADE OUT THE ACCIDENT REPORT AND CITATION. I MADE OUT THREE ENVELOPES WITH THE OPERATORS NAMES ON EACH. INSIDE THE ENVELOPES WERE THE COMPLETED ACCIDENT REPORT AND IN ADDITION MS. STEGEMAN'S ENVELOPE HAD THE CITATION NUMBER 0246199 FOR FAILURE TO YIELD RIGHT OF WAY AT AN INTERSECTION 89-8 ALSO ENCLOSED. ALL THE ENVELOPES WERE PLACED IN THE DISPATCH AREA. TWO OF THE THREE ENVELOPES WERE APPARENTLY PICKED UP. THE ACCIDENT REPORT AND THE THREE ENVELOPES WERE READY AND IN THE PICK-UP AREA IN THE DISPATCHER'S OFFICE BY 10:30AM ON 11-15-93. AT NO TIME AT THE ACCIDENT SCENE DID ANY OF THE STEGEMANS INDICATE TO ME THAT THEY WERE CONFUSED WITH THE INFORMATION I ADVISED THEM OF.

APPROXIMATELY ONE MONTH AFTER THIS ACCIDENT THE CHIEF INQUIRED ABOUT THE ACCIDENT REPORT AND CITATION WHICH MR. STEGEMAN HAD CALLED THE OFFICE ABOUT STATING HE HAD NEVER RECEIVED SAME. AT THIS TIME I

TOWN OF ACTON POLICE DEPARTMENT  
INTER-DEPARTMENTAL COMMUNICATION

CHECKED THE DISPATCH AREA AND THE ENVELOPE WAS STILL THERE AND THE CHIEF WAS SHOWN SAME. A TELEPHONE MESSAGE WAS LEFT ON THE STEGEMAN'S ANSWERING MACHINE THAT THE ENVELOPE WAS STILL HERE WITH THE COPY OF THE ACCIDENT REPORT AND CITATION ENCLOSED AND TO PICK UP SAME.

ROBERT L. COWAN JR.

A handwritten signature in black ink, appearing to read 'R. L. Cowan Jr.', with a long horizontal flourish extending to the right.

TOWN OF ACTON POLICE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

TO: George Robinson, C.O.P.  
FROM: J. Carney, Secretary APD

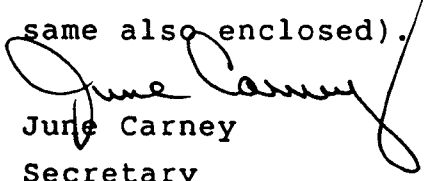
DATE: February 15, 1994

SUBJ: Stegeman Complaint

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Sometime in early January according to my recollection Mr. Stegeman came into the station asking to pick up a copy of the accident report and citation which the Chief had told him would be out front at the dispatcher's area. When the dispatchers could not find same they asked if I could help. We searched the entire area and could not find same. Det. Harrison, our court prosecutor was asked to come and speak to Mr. Stegeman. He explained that he should request a late hearing due to the fact that he claimed he did not receive his daughter's citation.

Mr. Stegeman states in his letter that he did in fact request, pay and receive a copy of the accident report which states right on it that a citation was issued. (A copy of same attached to this report). The report he received from us was handled through our regular accident report request format not knowing that Officer Cowan had told him to pick up the citation at the station and that it had also been placed out at the dispatch area. At no time did the department concede that the citation had never been issued. (Copy of same also enclosed).



June Carney  
Secretary

Acton Police Department

# MASSACHUSETTS UNIFORM CITATION



DATE OF CITATION

D 0246199

VIOLATOR VEHICLE LICENSE NO. OF VIOLATOR 012-661-171		STATE MA	CLASS 2	TO LICENSE <input type="checkbox"/> YES <input type="checkbox"/> NO	RACE W	SEX M	SSN (IF FOR MOTOR VEHICLE CITATION)
VIOLATOR NAME (Last) SIOGREN		(First) LEAH		Initial E		DATE OF BIRTH 8/10/86	
AT PRESENT RESIDENCE 1111 N. 17th St.		CITY/TOWN LYNN		STATE MA	ZIP 01901		
M.V. NO. 1C		MAKE AND TYPE 1991 SEATON		YEAR 91	COLOR BLU	NON-MV	
DATE OF OFFENSE 11-15-93		LOCATION OF OFFENSE (include city or town) Rte 1A at Drummer Rd		TIME OF OFFENSE 7:11		ACCIDENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
CHARGE/SECTION 81-5		DESCRIPTION OF OFFENSE FAILURE TO YIELD RIGHT OF WAY AT INTERSECTION		ASSESSMENT \$			
SPEEDING <input type="checkbox"/> 90/17 <input type="checkbox"/> 90/18		CIVIL		MPH IN A ZONE MPH POSTED NOT POSTED		CLOCKED RADAR ESTIMATED	
OFFICER CHECK (ONE ONLY) <input checked="" type="checkbox"/> ALL CIVIL INFRACTIONS (See instruction A on back)		<input type="checkbox"/> CRIMINAL APPLICATION (See instruction B on back)		<input type="checkbox"/> ARREST		<input type="checkbox"/> WARNING (No action required by violator)	
TOTAL DUE \$ 35		COURT ADDRESS 47					
OFFICER CERTIFIES: <input checked="" type="checkbox"/> IN HAND TO VIOLATOR <input type="checkbox"/> MAILED TO VIOLATOR <input type="checkbox"/> HAND TO VIOLATOR'S AGENT		ACT 47					
VIOLATOR MAKES NO ACKNOWLEDGES RECEIPT OF CITATION							

AGENCY COPY

REGISTRATION OF MOTOR VEHICLES  
100 NASHUA STREET  
BOSTON, MASS. 02114  
NAME OF POLICE DEPT. SUBMITTING REPORT  
Acton Police Department

COMMONWEALTH OF MASSACHUSETTS  
POLICE REPORT  
OF MOTOR VEHICLE ACCIDENT

161

19313633

Did you notice any indication  
that any operator had been taking  
any medication or drugs?  
No, only when they are operating  
the vehicle, not while driving.  
Do not write "fainting spells".

Check One

YES NO

Was this Accident Investigated by an Officer?

If Yes, Check One Box Below

1 ☐ Registry 4 ☐ State Police

2 ☐ Local 5 ☐ Other

3 ☐ Other

Name of Operator	STEGEMAN, LEAH E.	Number of Vehicles Involved	3	Date of Birth	MO 08 DAY 24 YR 76	1 Sex 2	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	
Street Address	MEETINGHOUSE RD	City/Town	ACTON	State	MA	Zip	01720	
Driver's License Number and State	012-66-7598 MA							
Registration Number and State	228CRJ MA PC GRN							
Name of Insurance Company only may be written here	METROPOLITAN INS.	Year	86	Make	OLDS	Type	CUT 4D	
Describe Damage to Vehicle:	FRONT END			1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>	Fire Damage	1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>	Parked Car	1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>

Name of Operator	ORRIS, GERALD M.	Number of Vehicles Involved	3	Date of Birth	MO 01 DAY 20 YR 47	1 Sex 2	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	
Street Address	23 ALTA RD	City/Town	SUDBURY	State	MA	Zip	01776	
Driver's License Number and State	010-36-1856 MA							
Registration Number and State	106-VWH MA PC GRN							
Name of Insurance Company only may be written here	METRO PROPERTY	Year	93	Make	HOND	Type	CIV 4D	
Describe Damage to Vehicle:	ALL SIDES AND THE ROOF			1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>	Fire Damage	1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>	Parked Car	1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>

Name of Operator	KRUEGER, ELAINE M	Number of Vehicles Involved	3	Date of Birth	MO 09 DAY 06 YR 36	1 Sex 2	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	
Street Address	64 WILLOW ROAD	City/Town	LITTLETON	State	MA	Zip	01460	
Driver's License Number and State	021-28-9053 MA							
Registration Number and State	OFF MA CO BLU							
Name of Insurance Company only may be written here	UNITED COMMUNITY	Year	91	Make	INTL	Type	SCH BU	
Describe Damage to Vehicle:	LEFT FRONT QRT.			1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>	Fire Damage	1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>	Parked Car	1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>

Name of Injured	ORRIS, GERALD M.	Street	23 ALTA RD.	City/Town	SUDBURY	State	MA
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Age	46	Sex	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	INJURY SEVERITY	1 <input type="checkbox"/> Killed 2 <input type="checkbox"/> Serious Visible Injury 3 <input checked="" type="checkbox"/> Minor Visible Injury 4 <input type="checkbox"/> No Visible Injury 5 <input type="checkbox"/> Complaints of Pain	RESTRAINT SYSTEMS	1 <input checked="" type="checkbox"/> YES 2 <input type="checkbox"/> NO 3 <input checked="" type="checkbox"/> Safety Belt Used 4 <input checked="" type="checkbox"/> Air Bag Used	PERSON INJURED	1 <input type="checkbox"/> Operator In Vehicle 2 <input checked="" type="checkbox"/> Passenger No 2 3 <input type="checkbox"/> Passenger On Motorcycle 4 <input type="checkbox"/> Operator On Motorcycle 5 <input type="checkbox"/> Passenger On Motorcycle 6 <input type="checkbox"/> Other
-----	----	-----	--	-----------------	---	-------------------	---	----------------	--

Name of Injured		Street		City/Town		State			
Age		Sex		INJURY SEVERITY	1 <input type="checkbox"/> Killed 2 <input type="checkbox"/> Serious Visible Injury 3 <input type="checkbox"/> Minor Visible Injury 4 <input type="checkbox"/> No Visible Injury 5 <input type="checkbox"/> Complaints of Pain	RESTRAINT SYSTEMS	1 <input type="checkbox"/> YES 2 <input type="checkbox"/> NO 3 <input type="checkbox"/> Safety Belt Used 4 <input type="checkbox"/> Air Bag Used	PERSON INJURED	1 <input type="checkbox"/> Operator In Vehicle 2 <input type="checkbox"/> Passenger No 2 3 <input type="checkbox"/> Passenger On Motorcycle 4 <input type="checkbox"/> Operator On Motorcycle 5 <input type="checkbox"/> Passenger On Motorcycle 6 <input type="checkbox"/> Other

Name of Injured		Street		City/Town		State			
Age		Sex		INJURY SEVERITY	1 <input type="checkbox"/> Killed 2 <input type="checkbox"/> Serious Visible Injury 3 <input type="checkbox"/> Minor Visible Injury 4 <input type="checkbox"/> No Visible Injury 5 <input type="checkbox"/> Complaints of Pain	RESTRAINT SYSTEMS	1 <input type="checkbox"/> YES 2 <input type="checkbox"/> NO 3 <input type="checkbox"/> Safety Belt Used 4 <input type="checkbox"/> Air Bag Used	PERSON INJURED	1 <input type="checkbox"/> Operator In Vehicle 2 <input type="checkbox"/> Passenger No 2 3 <input type="checkbox"/> Passenger On Motorcycle 4 <input type="checkbox"/> Operator On Motorcycle 5 <input type="checkbox"/> Passenger On Motorcycle 6 <input type="checkbox"/> Other

( See attached sheet )

Citation Number if issued:0246199 ISSUED TO OPERATOR 1 FAILURE TO YIELD RIGHT OF WAY AT AN INTERSECTION.

Describe What Happened: (Refer to Vehicles by Number)

OPERATOR 3 STOPPED SCHOOL BUS TO PICK UP CHILDREN SOUTH BOUND ON PARKER ST. OPERATOR 2 TRAVELING NORTH ON PARKER ST. OPERATOR 1 WAS TRAVELING WEST ON DRUMMER RD. AT PARKER ST. INTERSECTION. SCHOOL BUS WAS FINISHED PICKING UP CHILDREN SO M/V 2 WAS ABLE TO CONTINUE ON. M/V 1 CAME OUT OF DRUMMER RD. AND BROADSIDED M/V2 INTO THE SCHOOL BUS FRONT END. M/V2 WAS SPUNN AROUND ON IMPACT WITH THE STOPPED SCHOOL BUS. M/V2 THEN HIT A NEW ENGLAND TEL. POLE WITH THE M/V'S REAR RIGHT QRT. IN THE NORTH BOUND LANE. NO NUMBER IS AVAILABLE ON THE POLE. THE POLE IS JUST NORTH OF DRUMMER RD.

Michelle Cooper

Sandeep Goel

Denis Sullivan

Tarun Goel

Stephanie Babb

Kelly Hannos

Sarah Begley

Carlton Casaday

Angharad Tardo

Aaron Ball

Michael Babish

Eric Holman

Andrew Wellons

Matt Collins

Matt Warren

Aaron Tajima

STUDENTS ON THE  
BUS



SEND ORIGINAL TO:  
REGISTRAR OF MOTOR VEHICLES  
100 NASHUA STREET  
BOSTON, MASS. 02114  
ONE COPY TO  
POLICE DEPARTMENT in whose juris-  
diction the accident occurred.

**MUST TYPE OR PRINT**  
**COMMONWEALTH OF MASSACHUSETTS**  
**OPERATOR'S REPORT**  
**OF MOTOR VEHICLE ACCIDENT**

REGISTRY USE ONLY

Date of Accident Mo Day Yr 11-15-93	Day of the Week S M T W T F S 1 2 3 4 5 6 7 [X] 1 [ ] 2 [ ] 3 [ ] 4 [ ] 5 [ ] 6 [ ] 7	Hour A.M. [X] 1 P.M. [ ] 2 7:10	Have you completed a Mass. driver education course YES [X] 1 NO [ ] 2
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Was this Accident Investigated by an Officer?  
If Yes, Check One Box Below

1 [ ] Registry	4 [ ] State Police
2 [ ] MOC	5 [X] Local Police
3 [ ] Other	

VEHICLE	Name of Operator Making Report ELAINE M. KRUEGER	Number of Vehicles Involved 3	Date of Birth MO 9 DAY 6 YR 36	Sex 1 [ ] M 2 [X] F		
	Street Address 144 GROTON RD., SHIRLEY, MA 01464	City/Town SHIRLEY	State MA	Zip 01464		
	Driver's License Number and State 021289053 MASS		Registration Number and State M36-307 MASS. MUN.			
	Name of Insurance Company only may be written here UNITED COMMUNITY		Year 1990	Make INTERNATIONAL	Type SCHOOL BUS	
VEHICLE	Describe Damage to Vehicle: FRONT BUMPER, STEERING & FRONT SUSPENSION LEFT FRONT FENDER, FENDER MIRROR BRACKETS		YES [ ] 1	Fire Damage NO [X] 2	YES [ ] 1	Paraded Car NO [X] 2
	Name of Operator GERALD M. ORRIS		Date of Birth MO 1 DAY 20 YR 47	Sex 1 [X] M 2 [ ] F		
	Street Address 23 ALTA RD., SUDBURY, MA 01776		City/Town SUDBURY	State MA	Zip 01776	Driver's License Number and State 010361856 MASS.
	Registration Number and State 106-VWH MASS.					
OTHER	Name of Insurance Company only may be written here METROPOLITAN PROPERTY & LIABILITY		Year 1993	Make HONDA	Type CIVIC 4-DOOR	Approximate Cost to Repair \$ TOTAL
	Describe Damage to Vehicle ALL SIDES AND THE ROOF		YES [ ] 1	Fire Damage NO [X] 2	YES [ ] 1	Paraded Car NO [X] 2
	Describe Other Property Damage					
	Name of Property Owner		Address			
WITNESSES	Other Witnesses or Persons Present		Address		Phone	

INJURED	Number Injured 1	To what hospital was injured taken? EMERSON HOSPITAL, CONCORD, MA.	Taken by Ambulance? YES [X] 1 NO [ ] 2		
	Name of Injured GERALD M. ORRIS	Street 23 ALTA RD.	City/Town SUDBURY	State MA.	
	Age 46	Sex 1 [X] M 2 [ ] F	INJURY SEVERITY 1 [ ] Killed 2 [ ] Serious Visible Injury 3 [X] Minor Visible Injury 4 [ ] No Visible Injury but Complaints of Pain		
	Ejected from Vehicle 1 YES [ ] 2 NO [X]	RESTRAINT SYSTEMS Yes/No? 1 [X] Safety Belt Used 2 [X] Child Restraint Used 3 [X] Helmet Used 4 [X] Air Bag Used			
INJURED	Name of Injured		Street	City/Town	State
	Age	Sex 1 [ ] M 2 [ ] F	INJURY SEVERITY 1 [ ] Killed 2 [ ] Serious Visible Injury 3 [ ] Minor Visible Injury 4 [ ] No Visible Injury but Complaints of Pain		
	Ejected from Vehicle 1 YES [ ] 2 NO [ ]	RESTRAINT SYSTEMS Yes/No? 1 [ ] Safety Belt Used 2 [ ] Child Restraint Used 3 [ ] Helmet Used 4 [ ] Air Bag Used			
	PERSON INJURED 1 [X] Operator } In Vehicle 2 [ ] Passenger } No 2 3 [ ] Passenger in Train, Bus, Etc 4 [ ] Operator } On Motorcycle 5 [ ] Passenger } 6 [ ] Pedestrian 7 [ ] Bicyclist 8 [ ] Moped 9 [ ] Other				
INJURED	Name of Injured		Street	City/Town	State
	Age	Sex 1 [ ] M 2 [ ] F	INJURY SEVERITY 1 [ ] Killed 2 [ ] Serious Visible Injury 3 [ ] Minor Visible Injury 4 [ ] No Visible Injury but Complaints of Pain		
	Ejected from Vehicle 1 YES [ ] 2 NO [ ]	RESTRAINT SYSTEMS Yes/No? 1 [ ] Safety Belt Used 2 [ ] Child Restraint Used 3 [ ] Helmet Used 4 [ ] Air Bag Used			
	PERSON INJURED 1 [ ] Operator } In Vehicle 2 [ ] Passenger } No 3 [ ] Passenger in Train, Bus, Etc 4 [ ] Operator } On Motorcycle 5 [ ] Passenger } 6 [ ] Pedestrian 7 [ ] Bicyclist 8 [ ] Moped 9 [ ] Other				

SEND ORIGINAL TO:  
REGISTRAR OF MOTOR VEHICLES  
100 NASHUA STREET  
BOSTON, MASS. 02114

ONE COPY TO  
POLICE DEPARTMENT in whose jurisdic-  
tion the accident occurred.

**MUST TYPE OR PRINT**  
**COMMONWEALTH OF MASSACHUSETTS**  
**OPERATOR'S REPORT**  
**OF MOTOR VEHICLE ACCIDENT**

REGISTRY USE ONLY

Date of Accident Mo Day Yr 11-15-93	Day of the Week S M T W T F S <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Hour AM <input checked="" type="checkbox"/> 1 PM <input type="checkbox"/> 2 7:10	Have you completed a Mass. driver education course YES <input type="checkbox"/> NO <input type="checkbox"/>
---	---	--	--

Was this Accident Investigated by an Officer?  
If Yes, Check One Box Below

1 <input type="checkbox"/> Registry	4 <input type="checkbox"/> State Police
2 <input type="checkbox"/> MDC	5 <input checked="" type="checkbox"/> Local Police
3 <input type="checkbox"/> Other	

Name of Operator Making Report LEAH STEGEMAN	Number of Vehicles Involved 3	Date of Birth MO 8 DAY 24 YR 76	Sex M <input type="checkbox"/> F <input checked="" type="checkbox"/>
Street Address 16 MEETINGHOUSE RD.	City/Town ACTON, MA	State 01720	Zip 01266
Driver's License Number and State 012667598 MASS		Registration Number and State 228-CKJ MASS	
Owners Name and Address (if same, write "same") SAME			
Name of Insurance Company only may be written here METROPOLITAN		Year 1986	Make OLDSMOBILE
Type CUTLASS 4DR		Approximate Cost to Repair \$ UNKNOWN	
Describe Damage to Vehicle FRONT BUMPER DAMAGED		YES <input type="checkbox"/> Fire Damage NO <input type="checkbox"/>	YES <input type="checkbox"/> Parked Car NO <input checked="" type="checkbox"/>

Name of Operator	Date of Birth MO DAY YR	Sex M <input type="checkbox"/> F <input type="checkbox"/>
Street Address	City/Town	State
Zip	Driver's License Number and State	
Owners Name and Address (if same, write "same")		Registration Number and State
Name of Insurance Company only may be written here		Year
Make		Type
Approximate Cost to Repair \$		
Describe Damage to Vehicle		YES <input type="checkbox"/> Fire Damage NO <input type="checkbox"/>
		YES <input type="checkbox"/> Parked Car NO <input type="checkbox"/>

Describe Other Property Damage	Approximate Cost to Repair \$
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Name of Property Owner	Address
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Other Witnesses or Persons Present	Address	Phone

Number Injured	To what hospital was injured taken?	Taken by Ambulance? YES <input type="checkbox"/> NO <input type="checkbox"/>
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Name of Injured	Street	City/Town	State
Age	Sex 1 M <input type="checkbox"/> 2 F <input type="checkbox"/>		
INJURY SEVERITY 1 <input type="checkbox"/> Killed 2 <input type="checkbox"/> Serious Visible Injury 3 <input type="checkbox"/> Minor Visible Injury 4 <input type="checkbox"/> No Visible Injury but Complaints of Pain		RESTRAINT SYSTEMS Yes/No? <input type="checkbox"/> <input type="checkbox"/> 1 <input type="checkbox"/> Safety Belt Used 2 <input type="checkbox"/> Child Restraint Used 3 <input type="checkbox"/> Helmet Used 4 <input type="checkbox"/> Air Bag Used	
Ejected from Vehicle 1 YES <input type="checkbox"/> 2 NO <input type="checkbox"/>		PERSON INJURED 1 <input type="checkbox"/> Operator } In Vehicle 2 <input type="checkbox"/> Passenger } No 3 <input type="checkbox"/> Passenger in Train, Bus, Etc 4 <input type="checkbox"/> Operator } On Motorcycle 5 <input type="checkbox"/> Passenger } 6 <input type="checkbox"/> Pedestrian 7 <input type="checkbox"/> Bicyclist 8 <input type="checkbox"/> Moped 9 <input type="checkbox"/> Other	

Name of Injured	Street	City/Town	State
Age	Sex 1 M <input type="checkbox"/> 2 F <input type="checkbox"/>		
INJURY SEVERITY 1 <input type="checkbox"/> Killed 2 <input type="checkbox"/> Serious Visible Injury 3 <input type="checkbox"/> Minor Visible Injury 4 <input type="checkbox"/> No Visible Injury but Complaints of Pain		RESTRAINT SYSTEMS Yes/No? <input type="checkbox"/> <input type="checkbox"/> 1 <input type="checkbox"/> Safety Belt Used 2 <input type="checkbox"/> Child Restraint Used 3 <input type="checkbox"/> Helmet Used 4 <input type="checkbox"/> Air Bag Used	
Ejected from Vehicle 1 YES <input type="checkbox"/> 2 NO <input type="checkbox"/>		PERSON INJURED 1 <input type="checkbox"/> Operator } In Vehicle 2 <input type="checkbox"/> Passenger } No 3 <input type="checkbox"/> Passenger in Train, Bus, Etc 4 <input type="checkbox"/> Operator } On Motorcycle 5 <input type="checkbox"/> Passenger } 6 <input type="checkbox"/> Pedestrian 7 <input type="checkbox"/> Bicyclist 8 <input type="checkbox"/> Moped 9 <input type="checkbox"/> Other	

Name of Injured	Street	City/Town	State
Age	Sex 1 M <input type="checkbox"/> 2 F <input type="checkbox"/>		
INJURY SEVERITY 1 <input type="checkbox"/> Killed 2 <input type="checkbox"/> Serious Visible Injury 3 <input type="checkbox"/> Minor Visible Injury 4 <input type="checkbox"/> No Visible Injury but Complaints of Pain		RESTRAINT SYSTEMS Yes/No? <input type="checkbox"/> <input type="checkbox"/> 1 <input type="checkbox"/> Safety Belt Used 2 <input type="checkbox"/> Child Restraint Used 3 <input type="checkbox"/> Helmet Used 4 <input type="checkbox"/> Air Bag Used	
Ejected from Vehicle 1 YES <input type="checkbox"/> 2 NO <input type="checkbox"/>		PERSON INJURED 1 <input type="checkbox"/> Operator } In Vehicle 2 <input type="checkbox"/> Passenger } No 3 <input type="checkbox"/> Passenger in Train, Bus, Etc 4 <input type="checkbox"/> Operator } On Motorcycle 5 <input type="checkbox"/> Passenger } 6 <input type="checkbox"/> Pedestrian 7 <input type="checkbox"/> Bicyclist 8 <input type="checkbox"/> Moped 9 <input type="checkbox"/> Other	



SEND ORIGINAL TO:  
REGISTRAR OF MOTOR VEHICLES  
100 NASHUA STREET  
BOSTON, MASS. 02114

ONE COPY TO  
POLICE DEPARTMENT in whose juris-  
diction the accident occurred.

**MUST TYPE OR PRINT**  
**COMMONWEALTH OF MASSACHUSETTS**  
**OPERATOR'S REPORT**  
**OF MOTOR VEHICLE ACCIDENT**

287  
REGISTRY USE ONLY

Was this Accident investigated by an Officer?  
If Yes, Check One Box Below

1 ☐ Registry 4 ☐ State Police  
2 ☐ MDC 5 ☒ Local Police  
3 ☐ Other

Date of Accident			Day of the Week							Hour		Have you completed a Mass. driver education course	
Mo	Day	Yr	S	M	T	W	T	F	S	AM	PM	YES	NO
11	15	93		<input checked="" type="checkbox"/>							7:10	<input checked="" type="checkbox"/>	

VEHICLE 1	Name of Operator Making Report					Number of Vehicles Involved		Date of Birth		Sex		
	ORRIS, GERALD M.					3		MO 1 DAY 20 YR 47		<input checked="" type="checkbox"/> M <input type="checkbox"/> F		
	Street Address					City/Town		State		Zip		
	23 ALTA RD					SIBBURY		MA		01776		
Owners Name and Address (if same, write "same")					Driver's License Number and State							
					106-VWH MA							
Name of Insurance Company only may be written here					Year		Make		Type		Approximate Cost to Repair	
METROPOLITAN PROPERTY					93		HONDA		CVC 4D		\$ TOTAL	
Describe Damage to Vehicle					YES		Fire Damage		NO		YES Parked Car NO	
ALL SIDES, ROOF, GLASS, TRUNK, HOOD					<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
VEHICLE 2	Name of Operator					Date of Birth		Sex				
	STEGEMAN, LEAH E					MO 8 DAY 24 YR 76		<input type="checkbox"/> M <input checked="" type="checkbox"/> F				
	Street Address					City/Town		State		Zip		
	MEETINGHOUSE ROAD					ACTON		MA		01720		
Owners Name and Address (if same, write "same")					Driver's License Number and State							
SAME					012-66-7548 MA							
Name of Insurance Company only may be written here					Year		Make		Type		Approximate Cost to Repair	
METROPOLITAN INS					86		OLDS		CUT 4D		\$ UNKNOWN	
Describe Damage to Vehicle					YES		Fire Damage		NO		YES Parked Car NO	
FRONT END					<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
OTHER	Describe Other Property Damage					Approximate Cost to Repair						
	ACTON SCHOOL DISTRICT SCHOOL BUS					\$ UNKNOWN						
Name of Property Owner					Address							

WITNESSES	Other Witnesses or Persons Present		Address		Phone	
	NOT SURE THERE WERE ANY WITNESSES SINCE I				Bus	
	WAS DAZED AND ONCE EXTRICATED FROM MY CAR, I WAS TAKEN TO THE HOSPITAL				Res	

INJURED 1	Number Injured		To what hospital was injured taken?		Taken by Ambulance?	
	1		EMERSON		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
	Name of Injured		Street		City/Town	
	GERALD ORRIS		23 ALTA RD		SIBBURY MA	
INJURED 2	Age		Sex		INJURY SEVERITY	
	46		<input checked="" type="checkbox"/> M <input type="checkbox"/> F		1 <input type="checkbox"/> Killed	
	Ejected from Vehicle		1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>		2 <input type="checkbox"/> Serious Visible Injury	
					3 <input checked="" type="checkbox"/> Minor Visible Injury	
INJURED 3	Age		Sex		INJURY SEVERITY	
			<input type="checkbox"/> M <input type="checkbox"/> F		1 <input type="checkbox"/> Killed	
	Ejected from Vehicle		1 YES <input type="checkbox"/> 2 NO <input type="checkbox"/>		2 <input type="checkbox"/> Serious Visible Injury	
					3 <input type="checkbox"/> Minor Visible Injury	
INJURED 4	Age		Sex		INJURY SEVERITY	
			<input type="checkbox"/> M <input type="checkbox"/> F		1 <input type="checkbox"/> Killed	
	Ejected from Vehicle		1 YES <input type="checkbox"/> 2 NO <input type="checkbox"/>		2 <input type="checkbox"/> Serious Visible Injury	
					3 <input type="checkbox"/> Minor Visible Injury	

What were vehicles doing prior to accident? Mark appropriate box			Where was pedestrian located at time of accident? Mark appropriate box		ROAD SURFACE		COLLISION CONDITIONS		LIGHT CONDITIONS	
Vehicle			X		X		X		X	
1	2	3	1	2	1	2	1	2	1	2
		Making right turn		At intersection		Dry		Hit median barrier	X	Daylight
1		Making left turn		Within 300 feet of intersection	X	Wet		Hit guard rail		Dawn or dusk
2		Making U turn		More than 300 feet from intersection		Snowy		Hit curbing		Darkness — road lighted
3		Going straight ahead		Walking in street with traffic		Icy		Hit abutment		Darkness — road unlighted
4	X	Passing on right		Walking in street against traffic		Other		Hit signpost		
5	X	Passing on left		Standing in street				Hit utility or sign pole		
6		Stop sign		Getting on/off vehicle				Hit tree		
7		Skidding		Working on vehicle	X	No Defects		Embankment		
8		Slowing or stopping		Working in street		Holes, ruts, bumps		Ditch		
9		Crossing median strip		Playing in street		Foreign matter on surface		Rock ledge	X	Cloudy
A		Driverless moving vehicle		Not in street		Defective shoulder		Stone wall		Rain
B		Backing		Other		Road under construction		Bridge rail		Snow
C						Other		Other		Sleet

D		Starting in traffic		X	
E		Starting from parked position	1		Stop sign
F		Parked	2		Yield sign
G		Stalled or disabled	3		Warning sign
H		Stalled or disabled with flasher on	4		Signal light
J		In process of parking	5		Officer or flagman
K		Entering or exiting from alley or driveway	6		Railroad crossing gate
L		Making right turn on red	7		Railroad automatic signal
M		Entering median	8		Control device not working
N		Crossed median	9	X	No control present
O		Other	A		No turn on red

**INDICATE ON THIS DIAGRAM WHAT HAPPENED**

Use one of these outlines to sketch the scene of your accident, writing in street or highway names or numbers.

- Number each vehicle and show direction of travel by arrow:
- Use solid line to show path before accident; dotted line after accident:
- Show pedestrian by:
- Show railroad by:
- Show distance and direction in landmarks. Identify landmarks by name or number.
- Indicate north by arrow as:

**DIAGRAM**

**INDICATE NORTH BY ARROW**

Describe What Happened (Refer to Vehicles by Number):

AS I WAS TRAVELING NORTH ON PARKER ST I SAW A SCHOOL BUS WITH ITS STOP SIGN PROTRUDING AND LIGHTS FLASHING. BUS WAS STOPPED. I SLOWED DOWN PREPARING TO STOP. BUS RETRACTED SIGN, SHUT LIGHTS OFF. AS THIS OCCURRED, I PROCEEDED TO MOVE CAUTIOUSLY. AS I MOVED THROUGH THE INTERSECTION MY VEHICLE (#1) WAS HIT AT HIGH SPEED BY VEHICLE #2 IN THE RIGHT REAR QTR. AFTER BEING HIT BY VEHICLE #2, MY CAR WAS SPUN AROUND (a) INTO PATH OF BUS WITH DAMAGE OCCURRING TO ENTIRE LEFT SIDE. MY VEHICLE (#1) WAS THEN FORCED BACK INTO A TELEPHONE POLE (b) CAUSING DAMAGE TO ENTIRE RIGHT SIDE.

My speed immediately prior to the accident was approximately 25 m.p.h.

Signature of operator making report

Date 11/15/93

SEND ORIGINAL TO:  
REGISTRAR OF MOTOR VEHICLES  
100 NASHUA STREET  
BOSTON, MASS. 02114

ONE COPY TO  
POLICE DEPARTMENT in whose juris-  
diction the accident occurred.

**MUST TYPE OR PRINT**  
**COMMONWEALTH OF MASSACHUSETTS**  
**OPERATOR'S REPORT**  
**OF MOTOR VEHICLE ACCIDENT**

287  
REGISTRY USE ONLY

Date of Accident Mo Day Yr 11 15 93	Day of the Week S M T W T F S 1 2 3 4 5 6 7 1 2 3 4 5 6 7	AM <input checked="" type="checkbox"/> 1 PM <input type="checkbox"/> 2	Hour 7:10	Have you completed a Mass driver education course YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Was this Accident Investigated by an Officer? If Yes Check One Box Below 1 <input type="checkbox"/> Registry 4 <input type="checkbox"/> State Police 2 <input type="checkbox"/> MDC 5 <input checked="" type="checkbox"/> Local Police 3 <input type="checkbox"/> Other
---	--	--	--------------	--	---

VEHICLE 1	Name of Operator Making Report LEAH E. STEGEMAN	Number of Vehicles Involved 3	Date of Birth 08 27 76	Sex 1 <input type="checkbox"/> M 2 <input checked="" type="checkbox"/> F
	Street Address 16 MEETING HOUSE RD. ACTON	City/Town MASS	Zip 01720	Driver's License Number and State 012-66-7538 MA
	Owners Name and Address (if same, write "same") JAMES C. STEGEMAN SAME			Registration Number and State 228 CK-MA
	Name of Insurance Company only may be written here METROPOLITAN	Year 1986	Make OLDS	Type CIERRA
	Describe Damage to Vehicle LEFT FRONT FENDER AND BUMPER			Approximate Cost to Repair \$ YES <input type="checkbox"/> Fire Damage NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> Parked Car NO <input checked="" type="checkbox"/>
VEHICLE 2	Name of Operator GERALD M. ORRIS	Date of Birth 01 20 47	Sex 1 <input checked="" type="checkbox"/> M 2 <input type="checkbox"/> F	
	Street Address 23 ALTA ROAD SUDBURY	City/Town MA	Zip 01776	Driver's License Number and State 010-36-1856 MA
	Owners Name and Address (if same, write "same") SAME			Registration Number and State 106-VWH MA
	Name of Insurance Company only may be written here METRO PROPERTY	Year 1993	Make HONDA	Type CIVIC
	Describe Damage to Vehicle ALL SIDES AND ROOF			Approximate Cost to Repair \$ YES <input type="checkbox"/> Fire Damage NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> Parked Car NO <input checked="" type="checkbox"/>
OTHER	Describe Other Property Damage			Approximate Cost to Repair \$
	Name of Property Owner Address			

WITNESSES	Other Witnesses or Persons Present	Address	Phone

INJURED 1	Number Injured 1	To what hospital was injured taken? EMERSON HOSPITAL, CONCORD MA.	Taken by Ambulance? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
	Name of Injured GERALD M. ORRIS	Street 23 ALTA RD.	City/Town SUDBURY	State MA
	Age 46	Sex 1 <input checked="" type="checkbox"/> M 2 <input type="checkbox"/> F	INJURY SEVERITY 1 <input type="checkbox"/> Killed 2 <input type="checkbox"/> Serious Visible Injury 3 <input checked="" type="checkbox"/> Minor Visible Injury 4 <input type="checkbox"/> No Visible Injury but Complaints of Pain	
	Ejected from Vehicle 1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>		RESTRAINT SYSTEMS Yes No ? 1 <input checked="" type="checkbox"/> Safety Belt Used 2 <input checked="" type="checkbox"/> Child Restraint Used 3 <input checked="" type="checkbox"/> Helmet Used 4 <input checked="" type="checkbox"/> Air Bag Used	
	PERSON INJURED 1 <input checked="" type="checkbox"/> Operator } in vehicle 2 <input type="checkbox"/> Passenger } No 2 3 <input type="checkbox"/> Passenger in Train, Bus, Etc. 4 <input type="checkbox"/> Operator } On Motorcycle 5 <input type="checkbox"/> Passenger } 6 <input type="checkbox"/> Pedestrian 7 <input type="checkbox"/> Bicyclist 8 <input type="checkbox"/> Moped 9 <input type="checkbox"/> Other			
INJURED 2	Name of Injured LEAH E. STEGEMAN	Street 16 MEETING HOUSE RD.	City/Town ACTON	State MA
	Age 17	Sex 1 <input type="checkbox"/> M 2 <input checked="" type="checkbox"/> F	INJURY SEVERITY 1 <input type="checkbox"/> Killed 2 <input type="checkbox"/> Serious Visible Injury 3 <input type="checkbox"/> Minor Visible Injury 4 <input checked="" type="checkbox"/> No Visible Injury but Complaints of Pain	
	Ejected from Vehicle 1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>		RESTRAINT SYSTEMS Yes No ? 1 <input checked="" type="checkbox"/> Safety Belt Used 2 <input checked="" type="checkbox"/> Child Restraint Used 3 <input checked="" type="checkbox"/> Helmet Used 4 <input checked="" type="checkbox"/> Air Bag Used	
	PERSON INJURED 1 <input checked="" type="checkbox"/> Operator } in vehicle 2 <input type="checkbox"/> Passenger } No 1 3 <input type="checkbox"/> Passenger in Train, Bus, Etc. 4 <input type="checkbox"/> Operator } On Motorcycle 5 <input type="checkbox"/> Passenger } 6 <input type="checkbox"/> Pedestrian 7 <input type="checkbox"/> Bicyclist 8 <input type="checkbox"/> Moped 9 <input type="checkbox"/> Other			
	Name of Injured Street City/Town State			
INJURED 3	Age	Sex 1 <input type="checkbox"/> M 2 <input type="checkbox"/> F	INJURY SEVERITY 1 <input type="checkbox"/> Killed 2 <input type="checkbox"/> Serious Visible Injury 3 <input type="checkbox"/> Minor Visible Injury 4 <input type="checkbox"/> No Visible Injury but Complaints of Pain	
	Ejected from Vehicle 1 YES <input type="checkbox"/> 2 NO <input type="checkbox"/>		RESTRAINT SYSTEMS Yes No ? 1 <input type="checkbox"/> Safety Belt Used 2 <input type="checkbox"/> Child Restraint Used 3 <input type="checkbox"/> Helmet Used 4 <input type="checkbox"/> Air Bag Used	
	PERSON INJURED 1 <input type="checkbox"/> Operator } in vehicle 2 <input type="checkbox"/> Passenger } No 3 <input type="checkbox"/> Passenger in Train, Bus, Etc. 4 <input type="checkbox"/> Operator } On Motorcycle 5 <input type="checkbox"/> Passenger } 6 <input type="checkbox"/> Pedestrian 7 <input type="checkbox"/> Bicyclist 8 <input type="checkbox"/> Moped 9 <input type="checkbox"/> Other			
	Name of Injured Street City/Town State			

BE SURE TO COMPLETE AND SIGN REPORT ON REVERSE SIDE

NOTE: Mark all items which apply. The diagram and description of what happened (below) need not be completed if separate 8 1/2 x 11 size sheet with same detailed information is attached. Please sign report in space provided below

City or Town Where Accident Occurred <b>ACTON</b>	Nearest Mile Marker	Number of Lanes <b>2</b>	At Rotary YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If Accident Occurred on Ramp Fill in Below 1 <input type="checkbox"/> On ramp to route number <b>N S E W</b> going <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 2 <input type="checkbox"/> On ramp from route number <b>N S E W</b> going <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Street Name or Route Number <b>PARKER ST</b>	at intersection with <b>DRUMMER RD</b>			
Which direction was each vehicle traveling? Vehicle No. 1 <b>N S E W</b> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> No. 2 <input checked="" type="checkbox"/> <b>N S E W</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		Or - If not at intersection, fill in below <b>N S E W</b> feet <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Or nearest intersection, bridge, mile marker, railroad		
Other Landmarks				

Accident Involved Collision With 1 <input type="checkbox"/> Pedestrian 2 <input checked="" type="checkbox"/> Motor Vehicle in Traffic 3 <input type="checkbox"/> Motor Vehicle Parked	4 <input type="checkbox"/> Railroad Train 5 <input type="checkbox"/> Ran off roadway hit fixed object _____ feet from road 6 <input type="checkbox"/> Bicycle	7 <input type="checkbox"/> Overturned in road 8 <input type="checkbox"/> Ran off roadway - non-collision 9 <input type="checkbox"/> Fixed object on shoulder sidewalk or island A <input checked="" type="checkbox"/> School Bus	B <input type="checkbox"/> Truck C <input type="checkbox"/> Moped D <input type="checkbox"/> Other	If collision involved two or more vehicles mark one of the following 1 <input type="checkbox"/> Rear End 2 <input checked="" type="checkbox"/> Angle 3 <input type="checkbox"/> Head On
--	---	---	--	--

What were vehicles doing prior to accident? Mark appropriate box Vehicle 1 Making right turn 2 Making left turn 3 Making U turn 4 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Going straight ahead 5 Passing on right 6 Passing on left 7 Stop sign 8 Sliding 9 Slowing or stopping A Crossing median strip B Driverless moving vehicle C Backing D Starting in traffic E Starting from parked position F Parked G Stalled or disabled H Stalled or disabled with flasher on J In process of parking K Entering or exiting from alley or driveway L Making right turn on red M Entering median N Crossed median O Other	Where was pedestrian located at time of accident? Mark appropriate box 1 <input checked="" type="checkbox"/> At intersection 2 Within 300 feet of intersection 3 More than 300 feet from intersection 4 Walking in street with traffic 5 Walking in street against traffic 6 Standing in street 7 Getting on/off vehicle 8 Working on vehicle 9 Working in street A Playing in street B Not in street C Other	ROAD SURFACE 1 <input checked="" type="checkbox"/> Dry 2 <input checked="" type="checkbox"/> Wet 3 Snowy 4 Icy 5 Other	ROAD CONDITIONS 1 <input checked="" type="checkbox"/> No Defects 2 Holes, ruts, bumps 3 Foreign matter on surface 4 Defective shoulder 5 Road under construction 6 Other	COLLISION CONDITIONS 1 <input checked="" type="checkbox"/> Hit median barrier 2 Hit guard rail 3 Hit curbing 4 Hit abutment 5 Hit signpost 6 Hit utility or light pole 7 Hit tree 8 Embankment 9 Ditch A Rock ledge B Stone wall C Bridge rail D Other	LIGHT CONDITIONS 1 <input checked="" type="checkbox"/> Daylight 2 Dawn or dusk 3 Darkness - road lighted 4 Darkness - road unlighted	WEATHER CONDITIONS 1 <input checked="" type="checkbox"/> Clear 2 Foggy 3 <input checked="" type="checkbox"/> Cloudy 4 Rain 5 Snow 6 Sleet
---	---	---	--	---	--	---

TRAFFIC CONTROLS 1 <input checked="" type="checkbox"/> Stop sign 2 <input type="checkbox"/> Yield sign 3 <input type="checkbox"/> Warning sign 4 <input type="checkbox"/> Signal light 5 <input type="checkbox"/> Officer or flagman 6 <input type="checkbox"/> Railroad crossing gate 7 <input type="checkbox"/> Railroad automatic signal 8 <input type="checkbox"/> Control device not working 9 <input checked="" type="checkbox"/> No control present A <input type="checkbox"/> No turn on red	INDICATE ON THIS DIAGRAM WHAT HAPPENED Use one of these outlines to sketch the scene of your accident, writing in street or highway names or numbers 1. Number each vehicle and show direction of travel by arrow 2. Use solid line to show path before accident, dotted line after accident 3. Show pedestrian by 4. Show railroad by 5. Show distance and direction in landmarks; identify landmarks by name or number 6. Indicate north by arrow, as
--	--

Describe What Happened (Refer to Vehicles by Number)  
**I (1) WAS STOPPED ON DRUMMER RD AT PARKER ST. BECAUSE A SCHOOL BUS (3) WAS STOPPED WITH LIGHTS FLASHING ON PARKER ST. THE BUS (3) WAS WAITING FOR A STUDENT WHO WAS RUNNING DOWN SILVER HILL RD. AFTER THE STUDENT BOARDED THE BUS (3) THE BUS DRIVER TURNED OFF THE FLASHING LIGHTS AND SIGNALLED TO ME TO PROCEED TO ENABLE THE BUS (3) TO MAKE A LEFT TURN ONTO DRUMMER RD. AFTER LOOKING TO MY LEFT, I (1) DROVE INTO THE INTERSECTION. A CAR (2) CAME AROUND THE BEND AT A VERY RAPID RATE OF SPEED. I STOPPED MY CAR (1) BUT CAR (2) HIT MY LEFT FRONT FENDER + SKIDDED ACROSS THE LEFT FRONT OF MY CAR (1). CAR (2) HIT THE SCHOOL BUS (3) + A TELEPHONE POLE. I (1) THEN MOVED OUT OF THE INTERSECTION + PARKED ON SILVER HILL ROAD.**  
 My speed immediately prior to the accident was approximately **3-4** mph  
 Signature of operator making report **Yah Stegeman** Date **11/15/93**

# VEHICLE 3

NAME OF OPERATOR.

DOB

SEX

ELAINE M. KRUEGER

09-06-36

F

64 WILLOW RD. LITTLETON MA 01460

DRIVERS LICENSE  
021-28-9053 MA.

OWNERS NAME & ADDRESS

ACTON SCHOOL DISTRICT 16 CHARTER RD. ACTON 01720 OFF MA

REGISTRATION

INSURANCE CO.

YEAR

MAKE

TYPE

UNITED COMMUNITY

1991

INTL SCHOOL BUS

DAMAGE

LEFT FRONT QUARTER



TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: Feb. 18, 1994

TO: Bill Mullin  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Personnel Position

Based on your inquiry on Feb. 15, I had planned to send you an update report on activities that have taken place to date regarding the "Personnel Director" position ... along with thoughts as to where we go from here. Unfortunately, the press of preparing additional information regarding the budget/warrant session planned for next Tuesday evening has prevented me from pulling this information together. As we are assembling the packet for distribution it is abundantly clear that I must deliver this report later.

I understand from your comment that you have some question(s) and I assure you that no action will be taken until after we have addressed this matter further.

cc: Board of Selectmen



cc: BOS

DORE'  
NANCY  
BILL

PLEASE NOTE  
FOR MON. MORNING.

**FLANAGAN & HUNTER, P.C.**

ATTORNEYS AT LAW  
AND  
PROCTORS IN ADMIRALTY  
211 CONGRESS STREET  
BOSTON, MASSACHUSETTS 02110-2434

TELEPHONE: (617) 482-3366

FAX: (617) 482-3467

**FAX COVER SHEET**

File  
2/4/94

**DELIVER TO:**

- 1) Jacob Diemert
- 2) Isa Zimmerman
- 3) Don Johnson

- AT:**
- 1) Sherburne, Powers
  - 2) Central Office RJGJHS
  - 3) Town Hall

- FAX NUMBERS:**
- 1) 523-6850
  - 2) 508-263-8409
  - 3) 508-264-9630

**FROM:**

**F. Doré Hunter**

**Number of Pages, Including this Cover Sheet: 1**

**COMMENTS:**

**SUGGESTED AGENDA ITEMS FOR 2/7/94 MUNICIPAL FORUM SESSION:**

**A) FURTHER DISCUSSION OF TOWN'S REQUEST FOR A FY 95 SHARE OF SCHOOL CHOICE MONIES.**

**B) BOARD OF SELECTMEN REACTION TO BILL RYAN'S 1/24 MF QUESTIONS CONCERNING TOWN MEETING WARRANT ARTICLE/OVERRIDE QUESTION FORMATS.**

**C) DISTRIBUTE TOWN MANAGER'S 2/1 DETAILED BUDGET MESSAGE TO SELECTMEN (DON HUNTER) AND REQUEST FOR COMMENTS.**

**D) DISCUSSION OF SCHOOLS REQUESTED CAPITAL TOWN MEETING WARRANT ARTICLE.**

**E) DISCUSSION OF DEP SPONSORED 2/3 MEETING RE POTENTIAL MUNICIPAL SEWERING AND SCHOOLS ADD-ON.**

**DATE: February 2, 1994**

**FILE NO. None**

CC: BOS  
FINCOM 7/2/4

## MUNICIPAL FORUM

### AGENDA

Monday, February 7, 1994  
7:15 a.m., Room #114, Junior High School

- 1) Review of Minutes
- 2) Announcement of appointment of the position of MF Facilitator
- 3) Structure of override(s)/options
  - relationship to Town Meeting
  - contingent override?
  - operating/capital overrides
  - debt exclusion override
- 4) Presentation of budget - A or B
- 5) Report on sewage situation
- 6) Dates for announcement of next year's numbers from DoE
- 7) Observer's Comments

~~CONFIDENTIAL~~

CC: BOS - PLS. SEE HDC MINUTES  
IN THIS PACKET FOR MORE INFO.

CHRIS - PLACE UNDER EXEC. SESSION @ 2/15  
TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

DATE: January 27, 1994

TO: Don Johnson, Town Manager  
FROM: Garry Rhodes, Building Commissioner *GR*  
SUBJECT: Mobil Oil Sign/553 Mass. Avenue  
Historical District Commission

**CONFIDENTIAL**

**PRIVILEGED & CONFIDENTIAL**

I have recently spoken to Ann Forbes of the Historical District Commission about the Mobil Oil sign at 553 Mass Avenue. I am disturbed about the direction that the Commission may take in their consideration for a certificate. Ann has indicated that because of pressure exerted by Mobil Oil, the Commission may grant a certificate for a sign that would require a Variance from the Board of Appeals. That possible action could result in the present sign remaining for the foreseeable future. I will take this opportunity to outline how we got to this stage and propose a possible solution.

In the last half of 1991 I denied Mobil Oil's request for a sign license for the freestanding sign located on this site. It was my reasoning that the total renovation of this site was an expansion of the USE and therefore, as provided for in Section 7.11.2 of the Zoning Bylaw, I ordered the removal of the sign. Mobil Oil appealed my decision to the Board of Appeals who upheld my decision in November of 1991. Mobil Oil appealed the Board of Appeals decision via the Land Court in December of 1991.

After a period of time, I was allowed by Town Counsel to negotiate with Mobil Oil. During negotiations the sign bylaw was amended in such a way that I felt that a compromise was possible. Mobil Oil presented to me an illustration of a proposed sign that could be issued if approved by the Historic Commission. With that proposed sign in mind, I had Mobil Oil apply to the Historic District Commission so that the Commission could approve that sign or make appropriate changes that would satisfy the Commission.

It is my understanding that at the Commission hearing Mobil Oil had a change of heart. They are now pressuring the Commission into possible approval of a sign that would require a Variance from the Board of Appeals. That is where the problem exists. As I indicated previously, the present sign is under appeal in court.

In order for the Board of Appeals to consider a different sign, Mobil Oil would first have to go to the Planning Board to see if there has been a significant change to the existing sign. Then Mobil Oil, if approved by the Planning Board, would again apply to the Board of Appeals to see if they would approve the new sign. This process could take months, if not years, and Mobil Oil could file a second appeal at any time. In the meantime, the existing sign remains.

It is my belief that Mobil Oil is using this approach to buy time. I have written correspondence to the Historical Commission trying to persuade them to either grant or deny the sign permit using the sign bylaw as their guide. I have also agreed to attend future hearings on this subject to further explain the problem they may be creating.

The purpose of this IDC is to alert you of this problem and propose a possible solution. I am requesting that you allow me the use of Town Counsel. I would propose that Counsel write a firm letter to Mobil Oil stating that the Town will proceed with legal action in court if they do not have a certificate from the Commission that does not need further approvals. Mobil Oil would then be forced to comply with the bylaw or face the removal of the existing sign while they pursue the new sign.



Commonwealth of Massachusetts  
Massachusetts Office of Business Development

One Ashburton Place, Room 2101  
Boston, Massachusetts 02108

WILLIAM F. WELD  
GOVERNOR

ARGEO PAUL CELLUCCI  
LIEUTENANT GOVERNOR

GLORIA CORDES LARSON  
SECRETARY

MICHAEL P. HOGAN  
EXECUTIVE DIRECTOR

TELEPHONE  
(617) 727-3206

FAX  
(617) 727-8797

CC: ROLAND BARTL -  
PLEASE REVIEW, WITH SPECIFIC  
EYE TOWARD WHETHER OUR  
SEWER PROJECTS MIGHT  
QUALIFY UNDER ECON.DEVEL.  
LET'S TALK.

FEB

CC: [REDACTED]

January 28, 1994

Mr. Donald P. Johnson  
Town Hall  
Town of Acton  
472 Main Street  
Acton, MA 01720

Dear Mr. Johnson:

As a former local official, I understand clearly the difficulties of local governance. Recent years have presented a combination of events and circumstances that have challenged the creativity and the resolve of those involved on the local level.

Recently, Governor Weld and Lieutenant Governor Cellucci appointed me as the Director of the Massachusetts Office of Business Development. When appointed, one of the charges I received from the Weld-Cellucci administration was to advance two specific items: the opening of regional offices across the state; and, the implementation of Chapter 19 of the Acts of 1993. With respect to regional offices, we are in the process of opening offices in Dartmouth, Lowell, Springfield and Worcester, in addition to our operation in Boston. I invite you to take full advantage of these regional offices.

Chapter 19 of the Acts of 1993 represents a remarkable opportunity for local communities to seize the initiative regarding economic development. By using the tools authorized by Chapter 19, each community has the ability to offer concrete incentives for development.

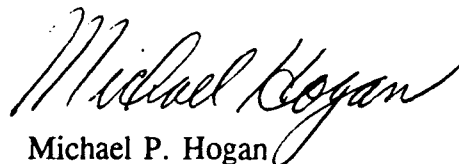
I have attached for your information, the recently adopted regulations regarding designation of Economic Target Areas (ETAs), Economic Opportunity Areas (EOAs), and, the use of Tax Increment Financing (TIF). Additionally, I have included an application form to be used when applying for the designations mentioned above. During your review of the advantages of these designations, I would encourage you to consider regional applications designating areas that fall

represent a more comprehensive approach to economic development. These types of regional designations are encouraged in Chapter 19.

In addition to the array of services regularly offered by this office, we have recently acquired the services of a consultant whose responsibility is to provide technical assistance to municipalities regarding the preparation of their applications for designation. Kathleen McCabe has extensive experience with local development and its attendant issues. She may be reached by contacting this office at 617-727-3206. We are conducting a series of workshops throughout the Commonwealth and will make available to you any assistance that you might require. (Specific information regarding the dates, times and locations of workshops will be announced.)

Please feel free to contact me directly if I can be of service to you in any way. I hope that you consider the Massachusetts Office of Business Development as a resource to be used as you seek economic development opportunities for your community. I welcome your comments and ideas and look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, reading "Michael Hogan". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Hogan".

Michael P. Hogan  
Executive Director

CC: BOS  
PLS. NOTE LAST PARAGRAPH.  
PALMER & DODGE

One Beacon Street  
Boston, Massachusetts 02108

Acheson H. Callaghan, Esq.  
(617) 573-0178

Telephone: (617) 573-0100  
Facsimile: (617) 227-4420

January 28, 1994

Mr. Roland Bartl  
Town Planner  
472 Main Street  
Acton, MA 01720

Dear Roland:

(Zoning Articles)

The revised West Acton articles raise no significant legal issues. In Article I C, footnote 11 (p. 5), I would hyphenate at-least-equal. In Article II c. note 8 (p. 11), I would put the word "required" before "parking spaces" in the first sentence.

I think your expanded summaries are helpful but, as we discussed, in the summary for the VR article (p. 12), I would change the words "must not" to "need not" be operated by the owner. If the owner wants to have a business it would qualify as a "home occupation" but it would be limited to 500 square feet in accordance with new § 3.8.1.2.

Open Space Development. We reviewed the effect of these provisions, and they do not appear to produce any unanticipated consequences. I would revise third sentence of § 4.2.3.1(a) to read:

'If the Board approves a TRACT OF LAND divided by a STREET, it may permit the total number of permitted DWELLING - UNITS to be constructed on either side of the street.'

I would also add the word "dimensional" before "requirements" in the last sentence.

With respect to § 4.2.3.1(b), I have an additional question. I think you intend to permit no more than the total number of dwelling units that would be permitted in the two parts of the tract taken separately. I do not think this is as clearly expressed in (b) as in (a), and I would revise the last clause of the first sentence to say:

'the total number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately.'

I would then amend the last sentence to say

'The DWELLING UNITS may be located in either district but shall be constructed ....'

The suggest the following language for the common driveway article § 3.8.1.5 (p).

(p) An agreement providing access over the Common Driveway to all the LOTS and making all the LOTS served by the Common Drive jointly and severally responsible for its maintenance and repair, including snow plowing, shall be recorded.

As we discussed, the Citizen Petition Article is not in a form that could be put on the warrant. You should assist the applicant to put it in such form, but he will have to obtain the necessary signatures and submit it again.

Very truly yours,



Acheson H. Callaghan

AHC/pa

cc: Don Johnson



# PALMER & DODGE

One Beacon Street  
Boston, Massachusetts 02108

Acheson H. Callaghan, Esq.  
(617) 573-0178

Telephone: (617) 573-0100  
Facsimile: (617) 227-4420

January 31, 1994

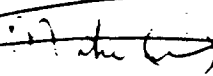
Mr. Don Johnson  
Town Manager  
P.O. Box 236  
Acton, MA 01720

Dear Don:

I enclose our bill for services through December

If you have any questions, please let me know.

Very truly yours,

  
Acheson H. Callaghan

AHC/dcb

Enclosure

CC: ~~COVER~~ COVER LTR. + 6 PAGES OF  
PLANNING } FARM HILL SUBDIVISION INVOICE  
244L  
CHRIS - PLS. PREPARE FOR PYMT.



January 31, 1994

Town of Acton  
P.O. Box 236  
Acton, MA 01720

**PALMER & DODGE**

One Beacon Street  
Boston, Massachusetts 02108-3190  
Telephone: (617) 573-0100

FEDERAL ID NUMBER 04-2170788

PLEASE RETURN THIS COPY WITH YOUR  
PAYMENT TO ENSURE PROPER CREDIT

For professional services through December, 1993, as follows:

**General Town Matters**

Advice regarding general town matters; \$ 300.00

**Litigation and Related Matters**

Services in connection with tax abatement matters; 400.00

Services in collective bargaining and personnel matters,  
as set forth in the attached summary; 4,100.00

Preparation of record appendix and draft of brief  
on zoning issues in *DiDuca v. Acton*;

17,500.00

**TOTAL SERVICES**

**\$ 22,300.00**

**Disbursements**

Clerical overtime	\$ 232.00
Duplication	604.40
Express delivery	12.10
Hand delivery	37.50
Telecopier	60.00
Telephone	17.31
Travel & Related Expenses	14.00
Velobind	<u>6.00</u>

**TOTAL DISBURSEMENTS**

983.31

**AMOUNT DUE**

**\$ 23,283.31**

EXPENSES INCURRED BUT NOT POSTED PRIOR  
TO THE BILLING DATE WILL APPEAR ON A  
SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

PALMER & DODGE  
ONE BEACON STREET  
BOSTON MA 02108  
FED ID# 04-2170788

TOWN OF ACTON  
P. O. BOX 236  
ACTON, MA 01720  
ATTN: DON JOHNSON, TOWN MANAGER

CLIENT : 228 CASE: 32  
INVOICE#: C121497 DATE: 01/27/94

CURRENT FEES	\$ 17,500.00
CURRENT COSTS	828.98
PRIOR ACCOUNT BALANCE	0.00
-----	
TOTAL BALANCE DUE	\$ 18,328.98
=====	

1

FOR PROFESSIONAL SERVICES RENDERED AND COSTS ADVANCED

INVOICE#: C121497  
DATE: 01/27/94

TOWN OF ACTON  
RE: FARM HILL SUBDIVISION

..DATE..	.....PROFESSIONAL SERVICES.....	...HOURS
12/01/93	Cindy Heitmeyer - PULLED TRIAL EXHIBITS FOR APPENDIX; REVIEWED FILES; OBTAINED COPIES AND ORGANIZED APPENDIX DOCUMENTS; REDACTED NOTES FROM EXHIBITS	2.30
12/01/93	Anne Marie Hill - BRIEF WRITING & REVISING	3.20
12/02/93	Cindy Heitmeyer - REVIEWED COURT RULES FOR APPENDIX; OBTAINED COPIES OF EXHIBITS; ORGANIZED APPENDIX DOCUMENTS	1.60
12/02/93	Anne Marie Hill - BRIEF WRITING; TC W/RB RE: AMICUS BRIEF; TC W/LEVINE RE: RECORD APPENDIX, MASTER PLAN & AERIAL PHOTOS; TC W/C. HEITMEYER RE: STATUS OF RECORD APPENDIX	3.50
12/04/93	Anne Marie Hill - BRIEF WRITING; ADD SECTIONS RE: AHC'S SPECIFIC POINTS IN OUTLINE	3.80
12/05/93	Anne Marie Hill - BRIEF COMPILATION OF PARTS I & II OF ARGMT. & REVISIONS; SUMMARY STMT. OF ARGMTS.	5.20
12/06/93	Cindy Heitmeyer - CONF. W/ AMH RE: APPENDIX	0.30

PALMER & DODGE  
ONE BEACON STREET  
BOSTON MA 02108  
FED ID# 04-2170788

TOWN OF ACTON  
P. O. BOX 236  
ACTON, MA 01720  
ATTN: DON JOHNSON, TOWN MANAGER

CLIENT : 228 CASE: 32  
INVOICE#: C121497 DATE: 01/27/94

RE: FARM HILL SUBDIVISION

2

---

..DATE..	.....PROFESSIONAL SERVICES.....	...HOURS
12/06/93	Acheson H. Callaghan Jr - C/A.M. HILL; REVIEW BARTL MEMO ON AMICUS BRIEF	0.25
12/06/93	Anne Marie Hill - FINISH FIRST COMPLETE DRAFT, REVISE, EDIT, COPY TO AHC; MTG. W/AHC RE: AMICUS' PEOPLE WANT EXTENSION; TC TO LEVINE-MSGE; FILL-IN CITATIONS; MTG. W/C. HEITMEYER RE: RECORD APPENDIX-5 VOLUMES	5.50
12/07/93	Cindy Heitmeyer - OBTAINED EXHIBIT FROM LAND COURT; REVIEWED TRANSCRIPT FOR EXHIBIT CITES; REVIEWED BRIEF FOR EXHIBIT CITATIONS	3.20
12/07/93	Acheson H. Callaghan Jr - REVIEW DRAFT BRIEF	2.00
12/07/93	Anne Marie Hill - TC W/LEVINE RE: EXT'N; TC W/AHC RE: WORK FILE; MTG. W/C. HEITMEYER RE: EX. 1 OF RECORD APPENDIX; DRAFT MOTIONS FOR EXT'N.	1.80
12/08/93	Acheson H. Callaghan Jr - BRIEF; REVIEW SCOPE OF DECISION; APPEAL ISSUES; REVISE FACTS	5.00
12/08/93	Cindy Heitmeyer - RETURNED EXHIBIT TO LAND COURT	0.30
12/08/93	Anne Marie Hill - FINISH MOTIONS FOR EXT'N; FAX TO LEVINE FOR ASSENT; TC TO LEVINE RE: EX. 1 OF R.A. WILL BE SELECT PORTION & NOT WHOLE BOOK	1.00

PALMER & DODGE  
ONE BEACON STREET  
BOSTON MA 02108  
FED ID# 04-2170788

TOWN OF ACTON  
P. O. BOX 236  
ACTON, MA 01720  
ATTN: DON JOHNSON, TOWN MANAGER

CLIENT : 228 CASE: 32  
INVOICE#: C121497 DATE: 01/27/94

RE: FARM HILL SUBDIVISION

3

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..DATE..	.....PROFESSIONAL SERVICES.....	...HOURS
12/09/93	Acheson H. Callaghan Jr - REVISE BRIEF; C/A.M. HILL RE: EXTENSION	1.70
12/10/93	Acheson H. Callaghan Jr - REVISE BRIEF	4.60
12/13/93	Acheson H. Callaghan Jr - REVISE BRIEF	5.80
12/14/93	Acheson H. Callaghan Jr - REVISE BRIEF	7.00
12/14/93	Cindy Heitmeyer - OBTAINED COPY OF ALLOWANCE OF MOTION TO ENLARGE TIME FROM APPEALS COURT	0.40
12/14/93	Anne Marie Hill - TC W/RB; CONFIRM EXT'N FOR SUBDIV. CASE; LTR. TO LEVINE W/DOCK. SHEET FROM APPEALS CT. CONFIRMING EXT'N; MTG. W/AHC RE: EXT'N, MAP WE WANT FROM RB	1.40
12/15/93	Acheson H. Callaghan Jr - REVISE BRIEF	7.00
12/16/93	Acheson H. Callaghan Jr - REVISE BRIEF PART I	3.90
12/20/93	Cindy Heitmeyer - CONF. W/ AMH; LOCATED BETTER COPIES OF APPENDIX EXHIBITS; REDACTED NOTES AND MARKINGS ON EXHIBITS; ORGANIZED APPENDIX PAGES TO BE COPIED TWO-SIDED; COMPILED APPENDIX TABLE OF CONTENTS	5.50
12/20/93	Acheson H. Callaghan Jr - REVISE BRIEF; REVIEW LAW REVIEW ON APARTMENT ZONING	3.50

PALMER & DODGE  
ONE BEACON STREET  
BOSTON MA 02108  
FED ID# 04-2170788

TOWN OF ACTON  
P. O. BOX 236  
ACTON, MA 01720  
ATTN: DON JOHNSON, TOWN MANAGER

CLIENT : 228 CASE: 32  
INVOICE#: C121497 DATE: 01/27/94

RE: FARM HILL SUBDIVISION

4

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..DATE..	.....PROFESSIONAL SERVICES.....	...HOURS
12/21/93	Anne Marie Hill - RVW. JUDGMENT & DECISION & TOWN'S TRIAL BRIEF RE: SUBDIVISION CASE; OUTLINE ISSUES ON APPEAL; MTG. W/C. HEITMEYER RE: ARRANGEMENT FOR NUMBERING & BINDING R. APP; TC W/RB & FAX RE: ILLEGIBLE DOC.	2.40
12/21/93	Christina Lui - MEET WITH C. HEITMEYER RE: NUMBERING APPENDIX AND LOCATION OF FILES	0.30
12/21/93	Acheson H. Callaghan Jr - BRIEF	2.60
12/21/93	Cindy Heitmeyer - CONF. W/ C. LUI RE: NUMBERING APPENDIX; PROOFREAD TABLE OF CONTENTS; ORGANIZED DOCUMENTS FOR EACH VOLUME OF APPENDIX; CONF. W/ AMH; PULLED SELECTED TRANSCRIPT PAGES; CHECKED COPIES; REDACTED HANDWRITTEN NOTES	2.80
12/22/93	Anne Marie Hill - TC W/RB RE: MAP & USES 1989-90; MTG. W/AHC RE: QUES. ON MAP, BRIEF, RECORD APPENDIX, SUBDIVISION BRIEF; TC TO RB; SUBSTITUTE CLEAN COPY OF WARRANT ARTICLES PAGE FROM RB	1.20
12/22/93	Acheson H. Callaghan Jr - BRIEF: BEGIN REVISION OF SPOT ZONING SECTION	4.10
12/23/93	Acheson H. Callaghan Jr - BRIEF: PART II	3.50
12/23/93	Craig M. Glantz - WROTE MEMO TO A.M. HILL RE: BINDING OF APPELLATE BRIEF RECORD INDICES	0.40

PALMER & DODGE  
ONE BEACON STREET  
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TOWN OF ACTON  
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ATTN: DON JOHNSON, TOWN MANAGER

CLIENT : 228 CASE: 32  
INVOICE#: C121497 DATE: 01/27/94

RE: FARM HILL SUBDIVISION

5

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..DATE..	PROFESSIONAL SERVICES.....	HOURS
12/23/93	Christina Lui - GENERATE NUMBERS FOR NUMBERING APPENDIX	0.20
12/27/93	Acheson H. Callaghan Jr - REVISE PART II; T/LEVINE	3.20
12/27/93	Christina Lui - NUMBER APPENDIX	1.20
12/28/93	Acheson H. Callaghan Jr - BRIEF; T/LEVINE	4.50
12/28/93	Christina Lui - NUMBER APPENDIX	0.60
12/29/93	Acheson H. Callaghan Jr - FINALIZE BRIEF; L/ROLAND BARTL	3.00
12/30/93	Acheson H. Callaghan Jr - T/ROLAND; L/E. NETTER; REVIEW EUCLID DECISION	0.30
12/30/93	Christina Lui - NUMBER APPENDIX	4.20
TOTAL HOURS		114.25

PALMER & DODGE  
ONE BEACON STREET  
BOSTON MA 02108  
FED ID# 04-2170788

TOWN OF ACTON  
P. O. BOX 236  
ACTON, MA 01720  
ATTN: DON JOHNSON, TOWN MANAGER

CLIENT : 228 CASE: 32  
INVOICE#: C121497 DATE: 01/27/94

RE: FARM HILL SUBDIVISION

6

SERVICES PERFORMED BY..... HOURS

Acheson H. Callaghan Jr	61.95
Craig M. Glantz	0.40
Cindy Heitmeyer	16.40
Anne Marie Hill	29.00
Christina Lui	6.50

TOTAL CURRENT FEES \$ 17,500.00

..DATE.. COSTS ADVANCED.....AMOUNT

TELEPHONE	\$ 8.78
CLERICAL OVERTIME	232.00
TELECOPIER	30.00
VELOBIND	6.00
DUPLICATION	552.20

TOTAL CURRENT COSTS \$ 828.98

CURRENT INVOICE DUE \$ 18,328.98  
=====

DUE AND PAYABLE WITHIN 30 DAYS



TOWN OF ACTON POLICE DEPARTMENT  
INTER-DEPARTMENTAL COMMUNICATION

CONFIDENTIAL

TO: TOWN MANAGER  
FROM: POLICE CHIEF  
SUBJ: Ms. Cope's Letter dated January 12, 1994

DATE: January 28, 1994

CC: BOS - FYI

ANY DESIRE TO CORRESPOND  
WITH MS. COPE?

Don

Please find the subject letter attached along with a copy of the accident report and Lt. McNiff's report. I concur with his findings. Ms. Cope clearly admits in her letter that she was going the speed limit which she alleges is 40MPH, she is wrong, the direction in which she was headed is visibly posted at 30MPH on Mass Ave at Juniper Ridge Road. The 40MPH posting is for the opposite direction from which she was headed.

Ms. Cope has every right to express her feelings as she does in the letter and deserves a response, however, I have another concern. Several days prior to receipt of the letter I received a phone call from her mother. Mrs. Cope identified herself as the "Chief of the Board of Selectmen" in Sudbury, defended her daughters actions and ask me to have the citation rescinded. I told her I would look into it and call her back at the number she had given me. I was quite surprised that Mrs. Cope felt the need for such an identification. I called the Sudbury Police Chief to see if there was a Mrs. Cope on the BOS, he told me there is and confirmed that the phone number I was given was the Cope's number. I had further conversation with Mrs. Cope, did not rescind the citation and received the attached letter.

Since Ms. Cope has seen fit to cc and involve the Chairman of our Selectmen and that there is quite possibly an ethics question I believe that a response should come from someone above my level to illustrate that Mr. Hunter has not even talked to me about this. I feel we must document that our Selectmen did not intercede in one way or the other in this matter.

CONFIDENTIAL

TOWN OF ACTON POLICE DEPARTMENT  
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief Robinson                      DATE: January 28, 1994  
FROM: Lt. McNiff  
SUBJ: Complaint of Stephanie E. Cope

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As per your instructions I have reviewed the accident involving Stephanie E. Cope and Officer Cooney's investigation of same (see attached letter).

As you are well aware the police respond to accidents to (1) care for the injured (2) assure the safe and expeditious movement of traffic, and (3) conduct and investigation to see if any laws have been violated. It is not the responsibility of the police to find "fault" in motor vehicle accidents. This is a matter for the insurance companies of the operators.

On the 29th of December at 1625 hrs Officer Cooney responded to a motor vehicle accident on Mass Ave. After his investigation he determined that Ms Cope was probably speeding and that speed contributed to the accident. This assumption was supported by the location of the damage to the vehicles involved (her right front to his right rear) and statements of the other operator and a witness as to the speed of Ms Cope. Indeed, by Ms Cope's own statement that she was doing "the speed limit" in front of the auto body shop but which she incorrectly cited as 40 MPH. The posted speed limit here is 30 MPH.

In reviewing all of the above and after discussing the matter with Officer Cooney I concur with his decision to issue Ms Cope a written warning as to her speed immediately prior to the accident.

80 Plympton Rd.  
Sudbury, MA 01776

January 12, 1994

Police Chief George Robinson  
Acton Police Department  
365 Main Street  
Acton, MA 01720

Dear Chief Robinson:

I am writing this letter to formally protest the issuance of a warning citation against me on December 29, 1993, received by me several days later. I have enclosed herewith the following documents:

1. A copy of my report of a 12/29/93 accident on Mass. Avenue, in Acton,
2. A copy of Officer Cooney's report,
3. A copy of Citation D1318507 issued as a warning by Officer Cooney.

The accident occurred while I was traveling southeast on Mass. Avenue, in Acton, when a vehicle operated by Robert M. Kiley made a left turn right in the path of my vehicle. At the time, I was carefully operating my vehicle in accordance with the speed limit and driving conditions. A sign in front of the auto body shop says 40 MPH.

It should also be noted that I have an unblemished driving record and was being particularly careful since I was transporting children from an ice rink in Acton. Immediately after the accident, I attempted to locate a witness. I saw no one outside to have observed what had occurred. I then entered the auto body shop and asked the man I noticed just inside the building whether he had observed the accident, and he denied having made any observations.

I have been taught that it is improper to make a left hand turn into oncoming traffic and that to do so is negligent operation of a motor vehicle. That is precisely what Mr. Kiley did.

Officer Cooney was not at the scene at the time of the accident, or prior to it. There were no witnesses at the scene that I saw, nor could I find any in the body shop. However, Officer Cooney's report suggests that there was a witness. If there had been a witness, Officer Cooney would have known so while I was at the scene.

The issuance of a warning appears to me to be an attempt to avoid the negligence and culpability of the driver of the other vehicle who clearly operated his vehicle in violation of the laws and regulations of the Commonwealth of Massachusetts.

I am appalled that Officer Cooney issued the citation warning for an accident at which he was not present and for which there were no witnesses prior to my leaving the scene. I consider the issuance of the warning to be unprofessional, inappropriate and perhaps illegal. It is clearly unacceptable to have my record blemished, to require me to pay a deductible, and to potentially have a surcharge on my insurance for involvement in an accident obviously caused by another.

-2-

Police Chief George Robinson  
Acton Police Department

It is my understanding that Acton has recently received national accreditation for its Police Department. I do not believe that actions such as those taken by Officer Cooney would be acceptable conduct in the accreditation process.

I demand that the warning citation be rescinded and that the actions of Officer Cooney be investigated.

Very truly yours,



Stephanie E. Cope

CC: Francie Zingale  
96 Plympton Rd., Sudbury 01776

Dore Hunter, Chairman  
Acton Board of Selectmen  
472 Main Street  
Acton, MA 01720

# MASSACHUSETTS UNIFORM CITATION

DATE CITATION WRITTEN 12/29/93		AGENCY CODE ACT		OFFICER ID NUMBER 39		COURT CODE 47		TYPE OF CITATION MOTOR VEH <input checked="" type="checkbox"/> OWNER <input type="checkbox"/> NON-MV <input type="checkbox"/>		D 1318507		
VIOLATOR	MOTOR VEHICLE LICENSE NO OF VIOLATOR 020624749						STATE MA	CLASS 3	COL LICENSE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	RACE W	SEX F	SSN (For non motor veh. citation only)
	VIOLATOR NAME (Last) COPE						(First) STEPHANIE			(Initial) E	DATE OF BIRTH 9-2-72	
	ADDRESS 80 PLYMPTON RD						CITY/TOWN SUDBURY			STATE MA	ZIP 01776	
	PLATE TYPE PC						MOTOR VEHICLE REGISTRATION NO 416 LAI		STATE MA	COL VEHICLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
M V	HAZ MAT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		MAKE AND TYPE VOLVO WAGON		YEAR 88	COLOR BLUE						
	DATE OF OFFENSE 12/29/93		LOCATION OF OFFENSE (Street, City or Town) MASS AVE, ACTON				TIME OF OFFENSE 1625		<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM			
OFFENSE(S)	A		CHAP/SEC/DUR		<input type="checkbox"/> CRIM <input type="checkbox"/> CIVIL		DESCRIPTION OF OFFENSE		ASSESSMENT \$		NOTICE TO VIOLATOR SEE REVERSE SIDE FOR INSTRUCTIONS NOTICE TO OFFICER ENTER ASSESSMENT \$ AND TOTAL DUE \$ ONLY IF YOU CHECK "ALL CIVIL INFRACTIONS". ENTER COURT ADDRESS BELOW ONLY IF YOU CHECK "CRIMINAL APPLICATION".	
	B				<input type="checkbox"/> CRIM <input type="checkbox"/> CIVIL				\$			
	C				<input type="checkbox"/> CRIM <input type="checkbox"/> CIVIL		WARNING		\$			
	D SPEEDING		<input checked="" type="checkbox"/> 0/17 <input type="checkbox"/> 90/14		CIVIL		45 MPH IN A 30 MPH ZONE		<input type="checkbox"/> CLOCKED <input type="checkbox"/> RADAR <input type="checkbox"/> POSTED <input type="checkbox"/> NOT POSTED <input checked="" type="checkbox"/> ESTIMATED			
OFFICER CHECK ONE ONLY		<input type="checkbox"/> ALL CIVIL INFRACTIONS (See instruction A on back)		<input type="checkbox"/> CRIMINAL APPLICATION (See instruction B on back)		<input type="checkbox"/> ARREST <input checked="" type="checkbox"/> WARNING (See instruction C on back)		TOTAL DUE \$		COURT ADDRESS		
OFFICER CERTIFIES		I HAVE HANDLED THIS VIOL.		I HAVE HANDLED THIS VIOL.		I HAVE HANDLED THIS VIOL.		I HAVE HANDLED THIS VIOL.		I HAVE HANDLED THIS VIOL.		
VIOLATOR/AGENT ACKNOWLEDGES RECEIPT OF CITATION										AGENT'S LICENSE NUMBER		

VIOLATOR COPY

SEND ORIGINAL TO:  
REGISTRAR OF MOTOR VEHICLES  
100 NASHUA STREET  
BOSTON, MASS. 02114

ONE COPY TO  
POLICE DEPARTMENT in whose juris-  
diction the accident occurred.

**MUST TYPE OR PRINT**  
**COMMONWEALTH OF MASSACHUSETTS**  
**OPERATOR'S REPORT**  
**OF MOTOR VEHICLE ACCIDENT**

REGISTRY USE ONLY

Was this Accident investigated by an Officer?

If Yes, Check One Box Below

1 ☐ Registry 4 ☐ State Police  
2 ☐ MOC 5 ☒ Local Police  
3 ☐ Other

Date of Accident Mo Day Yr 12 29 93	Day of the Week S M T W T F S 1 2 3 4 5 6 7 X	Hour AM PM 4:25	Have you completed a Mass driver education course YES NO 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/>
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VEHICLE 1	Name of Operator Making Report Stephanie E. Cope	Number of Vehicles Involved 2	Date of Birth MO DAY YR 9 2 72	Sex 1 <input type="checkbox"/> M 2 <input checked="" type="checkbox"/> F	
	Street Address City/Town State Zip 80 Plympton Rd. Sudbury MA 01776	Driver's License Number and State 020624749 / MA			
	Owners Name and Address (if same, write same) Francie Zingale 96 Plympton Rd., Sudbury, MA 01776		Registration Number and State 416 LAI / MA		
	Name of Insurance Company only may be written here Liberty Mutual	Year 86	Make Volvo	Type Blue Wagon	Approximate Cost to Repair \$ ?
	Describe Damage to Vehicle Right Front		YES Fire Damage NO 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/>	YES Parked Car NO 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/>	

VEHICLE 2	Name of Operator Robert M. Kiley	Date of Birth MO DAY YR 3 6 68	Sex 1 <input checked="" type="checkbox"/> M 2 <input type="checkbox"/> F		
	Street Address City/Town State Zip Apt. 102, 382 Agreal Rd. Acton MA 01720	Driver's License Number and State 026609218			
	Owners Name and Address (if same, write same) Robert R. Kiley, 31 Andrea Rd, Wallham MA 02154		Registration Number and State		
	Name of Insurance Company only may be written here Middlesex Ins	Year 81	Make Pontiac	Type Trans Am, Black	Approximate Cost to Repair \$ ?
	Describe Damage to Vehicle right rear		YES Fire Damage NO 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/>	YES Parked Car NO 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/>	

OTHER	Describe Other Property Damage N.A.		Approximate Cost to Repair \$ ?
	Name of Property Owner	Address	

WITNESSES	Other Witnesses or Persons Present	Address	Phone
			Bus Res
			Bus Res

Number Injured N.A.	To what hospital was injured taken?	Taken by Ambulance? YES NO 1 <input type="checkbox"/> 2 <input type="checkbox"/>
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INJURED 1	Name of Injured	Street	City/Town	State	
	Age Sex 1 <input type="checkbox"/> M 2 <input type="checkbox"/> F	INJURY SEVERITY 1 Killed 2 Serious Visible Injury 3 Minor Visible Injury 4 No Visible Injury but Complaints of Pain		RESTRAINT SYSTEMS Yes No ? 1 Safety Belt Used 2 Child Restraint Used 3 Helmet Used 4 Air Bag Used	PERSON INJURED 1 <input type="checkbox"/> Operator } In Vehicle 2 <input type="checkbox"/> Passenger } No 3 <input type="checkbox"/> Passenger in Train Bus Etc 4 <input type="checkbox"/> Operator } On Motorcycle 5 <input type="checkbox"/> Passenger } 6 <input type="checkbox"/> Pedestrian 7 <input type="checkbox"/> Bicyclist 8 <input type="checkbox"/> Moped 9 <input type="checkbox"/> Other
	Ejected from Vehicle 1 YES 2 NO 1 <input type="checkbox"/> 2 <input type="checkbox"/>				

INJURED 2	Name of Injured	Street	City/Town	State	
	Age Sex 1 <input type="checkbox"/> M 2 <input type="checkbox"/> F	INJURY SEVERITY 1 Killed 2 Serious Visible Injury 3 Minor Visible Injury 4 No Visible Injury but Complaints of Pain		RESTRAINT SYSTEMS Yes No ? 1 Safety Belt Used 2 Child Restraint Used 3 Helmet Used 4 Air Bag Used	PERSON INJURED 1 <input type="checkbox"/> Operator } In Vehicle 2 <input type="checkbox"/> Passenger } No 3 <input type="checkbox"/> Passenger in Train Bus Etc 4 <input type="checkbox"/> Operator } On Motorcycle 5 <input type="checkbox"/> Passenger } 6 <input type="checkbox"/> Pedestrian 7 <input type="checkbox"/> Bicyclist 8 <input type="checkbox"/> Moped 9 <input type="checkbox"/> Other
	Ejected from Vehicle 1 YES 2 NO 1 <input type="checkbox"/> 2 <input type="checkbox"/>				

INJURED 3	Name of Injured	Street	City/Town	State	
	Age Sex 1 <input type="checkbox"/> M 2 <input type="checkbox"/> F	INJURY SEVERITY 1 Killed 2 Serious Visible Injury 3 Minor Visible Injury 4 No Visible Injury but Complaints of Pain		RESTRAINT SYSTEMS Yes No ? 1 Safety Belt Used 2 Child Restraint Used 3 Helmet Used 4 Air Bag Used	PERSON INJURED 1 <input type="checkbox"/> Operator } In Vehicle 2 <input type="checkbox"/> Passenger } No 3 <input type="checkbox"/> Passenger in Train Bus Etc 4 <input type="checkbox"/> Operator } On Motorcycle 5 <input type="checkbox"/> Passenger } 6 <input type="checkbox"/> Pedestrian 7 <input type="checkbox"/> Bicyclist 8 <input type="checkbox"/> Moped 9 <input type="checkbox"/> Other
	Ejected from Vehicle 1 YES 2 NO 1 <input type="checkbox"/> 2 <input type="checkbox"/>				

<b>L O C A T I O N</b>	City or Town Where Accident Occurred <b>Acton</b>	Nearest Mile Marker _____	Number of Lanes <b>1 each dir.</b>	At Rotary <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If Accident Occurred on Ramp Fill in Below 1 <input type="checkbox"/> On ramp to route number _____ N S E W going <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 2 <input type="checkbox"/> On ramp from route number _____ N S E W going <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Street Name or Route Number <b>MASS AVE.</b>				
	Which direction was each vehicle traveling? Vehicle No. 1 <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W No. 2 <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W				
Or, If not at intersection, fill in below _____ feet _____ N S E W Of nearest intersection bridge mile marker railroad Other Landmarks _____					

<b>T Y P E</b>	Accident Involved Collision With 1 <input type="checkbox"/> Pedestrian 4 <input type="checkbox"/> Railroad Train 2 <input checked="" type="checkbox"/> Motor Vehicle in Traffic 5 <input type="checkbox"/> Ran off roadway hit fixed object _____ feet from road 3 <input type="checkbox"/> Motor Vehicle Parked 6 <input type="checkbox"/> Bicycle				7 <input type="checkbox"/> Overturned in road 8 <input type="checkbox"/> Ran off roadway non-collision 9 <input type="checkbox"/> Fixed object on shoulder sidewalk or island A <input type="checkbox"/> School Bus	B <input type="checkbox"/> Truck C <input type="checkbox"/> Moped D <input type="checkbox"/> Other	If collision involved two or more vehicles mark one of the following 1 <input type="checkbox"/> Rear End 2 <input checked="" type="checkbox"/> Angle 3 <input type="checkbox"/> Head On
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<b>C O L L I S I O N  C O N D I T I O N S</b>	What were vehicles doing prior to accident? Mark appropriate box <table border="1" style="width:100%; border-collapse: collapse;"> <tr><th>vehicle</th><th>1</th><th>2</th></tr> <tr><td>1</td><td></td><td></td></tr> <tr><td>2</td><td></td><td><input checked="" type="checkbox"/></td></tr> <tr><td>3</td><td></td><td></td></tr> <tr><td>4</td><td><input checked="" type="checkbox"/></td><td></td></tr> <tr><td>5</td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr><td>A</td><td></td><td></td></tr> <tr><td>B</td><td></td><td></td></tr> <tr><td>C</td><td></td><td></td></tr> <tr><td>D</td><td></td><td></td></tr> <tr><td>E</td><td></td><td></td></tr> <tr><td>F</td><td></td><td></td></tr> <tr><td>G</td><td></td><td></td></tr> <tr><td>H</td><td></td><td></td></tr> <tr><td>J</td><td></td><td></td></tr> <tr><td>K</td><td></td><td></td></tr> <tr><td>L</td><td></td><td></td></tr> <tr><td>M</td><td></td><td></td></tr> <tr><td>N</td><td></td><td></td></tr> <tr><td>O</td><td></td><td></td></tr> </table>	vehicle	1	2	1			2		<input checked="" type="checkbox"/>	3			4	<input checked="" type="checkbox"/>		5			6			7			8			9			A			B			C			D			E			F			G			H			J			K			L			M			N			O			Where was pedestrian located at time of accident? Mark appropriate box <table border="1" style="width:100%; border-collapse: collapse;"> <tr><th></th><th>X</th></tr> <tr><td>1</td><td></td></tr> <tr><td>2</td><td></td></tr> <tr><td>3</td><td></td></tr> <tr><td>4</td><td></td></tr> <tr><td>5</td><td></td></tr> <tr><td>6</td><td></td></tr> <tr><td>7</td><td></td></tr> <tr><td>8</td><td></td></tr> <tr><td>9</td><td></td></tr> <tr><td>A</td><td></td></tr> <tr><td>B</td><td></td></tr> <tr><td>C</td><td></td></tr> </table>		X	1		2		3		4		5		6		7		8		9		A		B		C		ROAD SURFACE <table border="1" style="width:100%; border-collapse: collapse;"> <tr><th></th><th>X</th></tr> <tr><td>1</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>2</td><td></td></tr> <tr><td>3</td><td></td></tr> <tr><td>4</td><td></td></tr> <tr><td>5</td><td></td></tr> <tr><td>6</td><td></td></tr> </table>		X	1	<input checked="" type="checkbox"/>	2		3		4		5		6		COLLISION CONDITIONS <table border="1" style="width:100%; border-collapse: collapse;"> <tr><th></th><th>X</th></tr> <tr><td>1</td><td></td></tr> <tr><td>2</td><td></td></tr> <tr><td>3</td><td></td></tr> <tr><td>4</td><td></td></tr> <tr><td>5</td><td></td></tr> <tr><td>6</td><td></td></tr> <tr><td>7</td><td></td></tr> <tr><td>8</td><td></td></tr> <tr><td>9</td><td></td></tr> <tr><td>A</td><td></td></tr> <tr><td>B</td><td></td></tr> <tr><td>C</td><td></td></tr> <tr><td>D</td><td></td></tr> </table>		X	1		2		3		4		5		6		7		8		9		A		B		C		D		LIGHT CONDITIONS <table border="1" style="width:100%; border-collapse: collapse;"> <tr><th></th><th>X</th></tr> <tr><td>1</td><td></td></tr> <tr><td>2</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>3</td><td></td></tr> <tr><td>4</td><td></td></tr> </table>		X	1		2	<input checked="" type="checkbox"/>	3		4	
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**TRAFFIC CONTROLS**

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**INDICATE ON THIS DIAGRAM WHAT HAPPENED**  
 Use one of these outlines to sketch the scene of your accident, writing in street or highway names or numbers  
 1 Number each vehicle and show direction of travel by arrow  
 2 Use solid line to show path before accident, dotted line after accident  
 3 Show pedestrian by   
 4 Show railroad by   
 5 Show distance and direction in landmarks, identify landmarks by name or number  
 6 Indicate north by arrow as

Describe What Happened (Refer to Vehicles by Number)

**I (vehicle #1) was traveling Southeast on Mass. Ave. with no cars in front or behind me. Vehicle #2, traveling in the opposite direction, was attempting to make a left turn off Mass Ave. I assumed vehicle #2 would yield to my right of way and turn behind me. However, when vehicle #2 turned in to my lane I immediately applied the brakes but did not have enough distance to avoid a collision.**

My speed immediately prior to the accident was approximately **40** mph

Signature of operator making report **Stephen Gne** Date **1/1/94**

SEND ONE COPY TO:  
REGISTRAR OF MOTOR VEHICLES  
100 NASHUA STREET  
BOSTON, MASS. 02114  
NAME OF POLICE DEPT. SUBMITTING REPORT  
Acton Police Department

COMMONWEALTH OF MASSACHUSETTS  
POLICE REPORT  
OF MOTOR VEHICLE ACCIDENT

REGISTRY USE ONLY

161

19315196

Date of Accident			Day of the Week							Hour	
No	Day	Yr	S	M	T	W	T	F	S	AM	PM
12	29	93	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1 2 3 4 5 6 7											

Did you notice any indication that any operator had been taking any medication or drugs?	Check One YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
To your knowledge has any operator had a history of epilepsy, heart disease, fainting spells?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

Was this Accident investigated by an Officer? If Yes, Check One Box Below			
1 <input type="checkbox"/> Registry	4 <input type="checkbox"/> State Police		
2 <input type="checkbox"/> MDC	5 <input checked="" type="checkbox"/> Local Police		
3 <input type="checkbox"/> Other	6 <input type="checkbox"/> Other		

VEHICLE	Name of Operator	COPE, STEPHANIE E	Number of Vehicles Involved	2	Date of Birth	MO 09 DAY 02 YR 72	1 Sex 2 <input checked="" type="checkbox"/> M <input type="checkbox"/> F						
	Street Address	80 PLYMPTON RD	City/Town	SUDBURY	State	MA	Zip	01776					
	Driver's License Number and State				020-62-4749 MA								
	Registration Number and State				416LA1 MA PC								
1	Name of Insurance Company only may be written here				Year	86	Make	VOLV	Type	SI	Approximate Cost to Repair	\$ 5800	
	Describe Damage to Vehicle:				1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>		Fire Damage		1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>		Parked Car		1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>
	RIGHT FRONT												

VEHICLE	Name of Operator	KILEY, ROBERT M	Date of Birth	MO 03 DAY 06 YR 68	1 Sex 2 <input checked="" type="checkbox"/> M <input type="checkbox"/> F								
	Street Address	382A GREAT RD 102	City/Town	ACTON	State	MA	Zip	01720					
	Driver's License Number and State				026-61-9218 MA								
	Registration Number and State				532TSR MA PC								
2	Name of Insurance Company only may be written here				Year	81	Make	PONT	Type	27	Approximate Cost to Repair	\$ 51000	
	Describe Damage to Vehicle:				1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>		Fire Damage		1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>		Parked Car		1 YES <input type="checkbox"/> 2 NO <input checked="" type="checkbox"/>
	RIGHT REAR SIDE, REAR AXLE & RIM												

OTHER	Describe Other Property Damage				Approximate Cost to Repair		\$
	Name of Property Owner				Address		1 <input type="checkbox"/> State 2 <input type="checkbox"/> MDC 3 <input type="checkbox"/> Municipal

WITNESSES	Other Witnesses or Persons Present		Address		Phone	
	KEANE, ROBERT K.		117 CENTRAL ST A 12 ACTON, MA 01720		Bus Res: 263-0483	
					Bus Res:	

Number Injured		To what hospital was injured taken?		Taken by Ambulance? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
0				1 <input type="checkbox"/> 2 <input type="checkbox"/>	

INJURED	Name of Injured		Street		City/Town		State	
	Age	Sex	INJURY SEVERITY		RESTRAINT SYSTEMS		PERSON INJURED	
	1 <input type="checkbox"/> M 2 <input type="checkbox"/> F	1 <input type="checkbox"/> Killed	2 <input type="checkbox"/> Serious Visible Injury		1 <input type="checkbox"/> Safety Belt Used		1 <input type="checkbox"/> Operator In Vehicle	
	Ejected from Vehicle YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	3 <input type="checkbox"/> Minor Visible Injury	4 <input type="checkbox"/> No Visible Injury but Complaints of Pain		2 <input type="checkbox"/> Child Restraint Used		2 <input type="checkbox"/> Passenger No	

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<b>L O C A T I O N</b>	City or Town Where Accident Occurred <b>ACTON</b>		Nearest Mile Marker	Number of Lanes	At Rotary <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Accident Occurred on Ramp Fill in Below: 1 <input type="checkbox"/> On ramp to route number N S E W 2 <input type="checkbox"/> On ramp from route number N S E W	
	Street Name or Route Number <b>644 MASSACHUSETTS AV</b>		at intersection with <b>GREGORY LANE</b>				
	Which direction was each vehicle traveling? Vehicle 1 N S E W <input checked="" type="checkbox"/> No 2 N S E W <input checked="" type="checkbox"/>		Or - if not at intersection, fill in below: _____ feet N S E W Of nearest intersection, bridge, mile marker, railroad				
	Other Landmarks: _____						

<b>T Y P E</b>	Accident Involved Collision With:				If collision involved two or more vehicles mark one of the following:	
	1 <input type="checkbox"/> Pedestrian 2 <input checked="" type="checkbox"/> Motor Vehicle in Traffic 3 <input type="checkbox"/> Motor Vehicle Parked	4 <input type="checkbox"/> Railroad Train 5 <input type="checkbox"/> Ran off roadway and hit fixed object _____ feet from road 6 <input type="checkbox"/> Bicycle	7 <input type="checkbox"/> Overturned in road 8 <input type="checkbox"/> Ran off roadway — non-collision 9 <input type="checkbox"/> Fixed object on shoulder sidewalk or island A <input type="checkbox"/> School Bus	B <input type="checkbox"/> Truck C <input type="checkbox"/> Moped D <input type="checkbox"/> Other	1 <input type="checkbox"/> Rear End 2 <input checked="" type="checkbox"/> Angle 3 <input type="checkbox"/> Head On	

<b>C O L L I S I O N  C O N D I T I O N S</b>	What were vehicles doing prior to accident? Mark appropriate box		What was pedestrian located at time of accident? Mark appropriate box		ROAD SURFACE	COLLISION CONDITIONS	LIGHT CONDITIONS		
	Vehicle		X		X	X	X		
	1	2	1	2	1	2	3		
	1	Making right turn	1	At intersection	1	Dry	1	Hit median barrier	
	2	X Making left turn	2	Within 300 feet of intersection	2	Wet	2	Hit guard rail	
	3	Making U turn	3	More than 300 feet of intersection	3	Snowy	3	Hit curbing	
	4	X Going straight ahead	4	Walking in street with traffic	4	Icy	4	Hit abutment	
	5	Passing on right	5	Walking in street against traffic	5	Other	5	Hit signpost	
	6	Passing on left	6	Standing in street	ROAD CONDITIONS		6	Hit utility or light pole	
	7	Stop sign	7	Getting on/off vehicle	X	1	No Defects	7	Hit tree
8	Skidding	8	Working on vehicle	2	Holes, ruts, bumps	2	Embankment	8	Foggy
9	Slowing or stopping	9	Working in street	3	Foreign matter on surface	3	Ditch	3	Cloudy
A	Crossing median strip	A	Playing in street	4	Defective shoulder	4	Rock ledge	4	Rain
B	Driverless moving vehicle	B	Not in street	5	Road under construction	5	Stone wall	5	Snow
C	Backing	C	Other	6	Other	6	Bridge rail	6	Sleet
D	Starting in traffic	TRAFFIC CONTROLS						WEATHER CONDITIONS	
E	Starting from parked position	X	1	Stop sign					
F	Parked		2	Yield sign					
G	Stalled or disabled		3	Warning sign					
H	Stalled or disabled with flasher on		4	Signal light					
J	In process of parking		5	Officer or flagman					
K	Braking or exiting honalaly or dange		6	Railroad crossing gate					
L	Making right turn on red		7	Railroad automatic signal					
M	Entering median		8	Control device not working					
N	Crossed median		9	X No control present					
O	Other		A	No turn on red					

INDICATE ON THIS DIAGRAM WHAT HAPPENED  
Use one of these outlines to sketch the scene of your accident, writing in street or highway names or numbers

1 Number each vehicle and show direction of travel by arrow:  
→ 1 X 2 ←

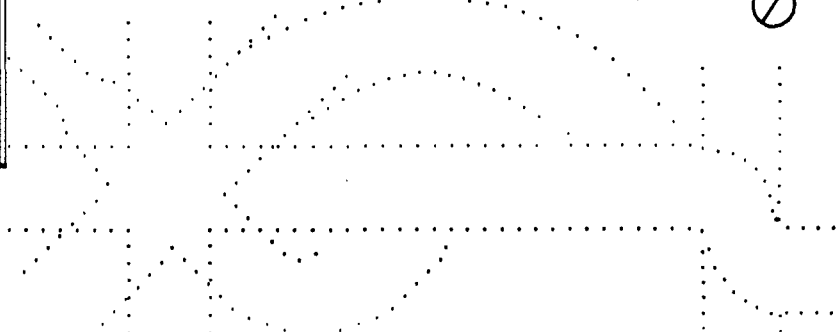
2 Use solid line to show path before accident  
→ 2 dotted line after accident  
.....→ 2

3 Show pedestrian by: → ○

4 Show railroad by: ++++++

5 Show distance and direction in landmarks identify landmarks by name or number

6. Indicate north by arrow, as: ↗



<b>D I A G R A M</b>	Operator (mark one or more)		Operator		Operator		Operator	
	1	2	1	2	1	2	1	2
	1	Operating Under Influence of Alcohol	6	Improper Passing	1	Disregarded Traffic Light	G	Leaving Scene of Accident
	2	Operating Under Influence of Drugs	7	On Wrong Side of Road Not Overtaking	2	Disregarded Warning or Stop Signs	H	Moving Violations (explain below)
	3	X Exceeding Lawful Speed	8	Failed to Give Proper Signal	3	Disregarded Other Traffic Control	J	Operating to Endanger
	4	Failed to Grant Right of Way to Other Vehicle	9	Improper Turning Movement	4	Improper Start from Parked Position	K	Failed to Stop for a Schoolbus
	5	Failed to Grant Right of Way to Pedestrian	A	Operating Unregistered/Uninsured Vehicle	5	Improper Parked Position	L	Defective Equipment
							M	X No Violation
							N	Seat Belt (Operator)
							O	Seat Belt (Passenger)

(See attached sheet)

Signature PTL JOHN COONEY ACTON P.D. 12/29/93  
Name and Rank Police Dept Date

Citation Number if issued: D1318507

VEHICLE 1 WAS EAST ON MASS AVE, VEHICLE 2 WAS FACING WEST ON MASS VE, WAITING TO TURN LEFT INTO #644 MASS AVE. VEHICLE 2 INITIATED A SLOW LEFT TURN ACCROSS OPPOSITE LANE, TOWARDS PARKING LOT VEHICLE 1 STRUCK RIGHT REAR OF VEHICLE 2. OPERATOR OF VEHICLE 2 CLAIMED ROAD WAS CLEAR, AND VEHICLE 1 WAS SPEEDING, THIS WAS CONFIRMED BY WITNESS WHO ESTIMATED VEH. 2 SPEED TO BE 45 MPH (30 MPH ZONE)

## Single Narrative

INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE
I9315196 5 Yes Yes	CALL FOR SERVICE SAWYER AUTOMOTIVE 644 MASSACHUSETTS AV REPORT	COONEY	12/29/1993, 16:25 12/29/1993, 16:26 12/29/1993, 16:27	COGAN, M NADEAU ACCIDENT
Domestic Abuse: No			12/29/1993, 17:02	ACCIDENT NO PI
Remarks:	EMPLOYEE FROM ABOVE REPORTS A MINOR ACCIDENT ON RT-111, C-24/21 SENT. COONEY TO BOOK SAME.			
Persons:				
OPERATOR (Female) M9305136	COPE, STEPHANIE E 80 PLYMPTON RD SUDBURY MA 01776 Phone: None Commt: OPERATOR 1, MVA		DOB: 09/02/1972	License: 020-62-4749 (MA) SSN: 020-62-4749
OPERATOR (Male) M9305137	KILEY, ROBERT M 382A GREAT RD Apt: 102 ACTON MA 01720 Phone: None Commt: OPERATOR 2, MVA		DOB: 03/06/1968	License: 026-60-9218 (MA) SSN: 026-60-9218
ROP-OWNER M9305138	ZINGALE, FRANCIE 96 PLYMPTON RD SUDBURY MA 01776 Phone: None Commt: OWNER VEHICLE 1, MVA		DOB: No date	License: None
PROP-OWNER M9305139	KILEY, ROBERT R 31 ANDREA RD WALTHAM MA 02154 Phone: None Commt: OWNER VEHICLE 2, MVA		DOB: No date	License: None
WITNESS (Male) M9006191	KEANE, ROBERT K. 117 CENTRAL ST Apt: A 12 ACTON MA 01720 Phone: 263-0483 Commt: WITNESS TO MVA		DOB: 02/04/1954	License: 012462976 (MA) SSN: 012-46-2976

Narrative 1 By: PTL. JOHN COONEY  
Title: ACCIDENT NARRATIVE

Status: Open

ON THE ABOVE DATE AND TIME THIS OFFICER WAS DISPATCHED TO  
M/V ACCIDENT ON MASS AVE. ON ARRIVAL I OBSERVED TWO VEHICLES ON THE SIDE OF  
THE ROAD. THE OPERATOR OF VEHICLE 1, STEPHANIE COPE, STATED THAT SHE WAS  
EASTBOUND ON MASS AVE WHEN AN ONCOMING VEHICLE MADE A LEFT TURN ACROSS HER  
LANE OF TRAVEL, SHE WAS UNABLE TO STOP IN TIME, AND STRUCK THE RIGHT REAR  
OF THAT VEHICLE. THE OPERATOR OF VEHICLE 2, ROBERT KILEY, STATED THAT  
HE WAS FACING WEST ON MASS AVE, WAITING TO TURN LEFT INTO THE PARKING LOT

## Single Narrative

INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE
<p>Narrative 1 (continued) By: PTL. JOHN COONEY Incident I9315196</p> <p>OF SAWYER AUTOMOTIVE. WHEN THE ROAD WAS CLEAR HE SLOWLY STARTED TURNING LEFT. HE THEN SAW AN ONCOMING VEHICLE (VEHICLE 1) TRAVELING AT A HIGH RATE OF SPEED. HE WAS UNABLE TO GET HIS VEHICLE ENTIRELY OUT OF THE STREET WHEN THE VEHICLE STRUCK THE RIGHT REAR OF HIS VEHICLE.</p> <p>A WITNESS TO THE ACCIDENT, ROBERT KEANE, STATED THAT HE WAS IN THE PARKING LOT OF SAWYER AUTOMOTIVE WHEN HE OBSERVED VEHICLE 2 PULLING INTO THE PARKING AREA. HE THEN OBSERVED VEHICLE 1 TRAVELLING EASTBOUND TOWARDS VEHICLE 2. MR KEANE ESTIMATED THE SPEED OF VEHICLE 1 TO BE AT LEAST 45 MPH. THE POSTED SPEED LIMIT FOR THE EASTBOUND LANE ON THIS AREA OF MASS AVE IS 30 MPH. THE OPERATOR OF VEHICLE 1, STEPHANIE COPE, WAS MAILED A CITATION FOR SPEEDING.</p> <p>PTL JOHN COONEY ACTON POLICE, #39</p>				

2/4/94

BOS -

WE RECEIVED THIS INFORMATION FROM PAM RESOR THIS MORNING.  
 I'M NOT SURE HOW MUCH TO READ INTO IT BUT, ON FIRST GLANCE, THEIR  
 MIN. CONTRIB. NUMBER LOOKS TO BE \$24,038 HIGHER THAN WE HAD  
 CALCULATED W/ OUR 3.64% GROWTH FACTOR.

FS9502X.BASIC  
 94-01-28  
 PAGE 353

MASSACHUSETTS DEPARTMENT OF EDUCATION  
 INFORMATION AND OUTREACH SERVICES  
 FY 95 FOUNDATION PROGRAM - PRELIMINARY ESTIMATE

AS NOTED BEFORE, THIS Δ REDUCES  
 FUNDS AVAIL. TO MUNICIPAL BY LIKE AMOUNT.

## SUMMARY

	(1) MINIMUM CONTRIBUTION	(2) BASE AID	(3) MINIMUM AID	(4) FOUNDATION AID	(5) EQUITY AID	(6) OVERBURDEN AID	(7) NEW REGIONAL AID	(8) NEW CHOICE AID	(9) NET SCHOOL SPENDING
001 ABINGTON	6,034,694	3,788,366	0	300,007	72,938	0	0	0	10,196,005
002 ACTON	8,776,330	749,687	47,300	0	0	0	0	29,799	9,602,916
003 ACUSHNET	2,742,560	2,018,049	0	550,647	0	108,526	0	0	5,419,782
004 ADAMS	0	0	0	0	0	0	0	0	0
005 AGAWAM	13,269,446	6,021,514	0	453,041	0	0	0	59,506	19,803,507
006 ALFORD	0	0	0	0	0	0	0	0	0
007 AMESBURY	6,866,629	4,550,187	0	231,974	0	186,043	0	297,929	12,132,762
008 AMHERST	5,883,951	2,438,931	42,250	0	845,139	0	0	0	9,210,271
009 ANDOVER	26,406,827	1,918,773	123,300	0	0	0	0	0	28,448,900
010 ARLINGTON	23,021,773	2,671,148	91,175	0	0	0	0	0	25,984,096
011 ASHBURNHAM	0	0	0	0	0	0	0	0	0
012 ASHBY	0	0	0	0	0	0	0	0	0
013 ASHFIELD	0	0	0	0	0	0	0	0	0
014 ASHLAND	8,296,659	692,694	42,100	0	0	0	0	49,733	9,081,186
015 ATHOL	0	0	0	0	0	0	0	0	0
016 ATTLEBORO	14,266,121	11,277,501	0	844,335	0	551,441	0	0	26,939,398
017 AUBURN	8,903,384	2,518,327	53,925	0	0	0	0	0	11,475,636
018 AVON	3,485,294	251,140	15,525	0	0	0	0	0	3,751,959
019 AYER	4,144,515	3,096,571	44,625	0	0	0	0	0	7,285,711
020 BARNSTABLE	29,516,162	1,620,378	155,850	0	0	0	0	0	31,292,390
021 BARRE	0	0	0	0	0	0	0	0	0
022 BECKET	28,822	250	75	0	0	0	0	0	29,147
023 BEDFORD	11,876,711	744,055	42,750	0	0	0	0	0	12,663,516
024 BELCHERTOWN	4,829,980	2,766,023	0	917,472	167,826	0	0	10,790	8,692,091
025 BELLINGHAM	7,432,529	3,832,824	55,800	0	0	148,373	0	105,450	11,574,976
026 BELMONT	17,953,894	1,091,294	74,400	0	0	0	0	0	19,119,588
027 BERKLEY	1,699,027	1,060,260	0	384,464	0	145,350	0	0	3,289,101
028 BERLIN	732,377	237,648	4,200	0	0	0	0	0	974,225
029 BERNARDSTON	0	0	0	0	0	0	0	0	0
030 BEVERLY	19,893,133	3,427,500	111,300	0	0	95,738	0	256,537	23,784,208
031 BILLERICA	20,161,555	5,821,151	0	1,036,579	1,040,665	0	0	36,836	28,096,786
032 BLACKSTONE	79,729	1,124	0	11,734	0	1,996	0	0	94,583
033 BLANDFORD	0	0	0	0	0	0	0	0	0
034 BOLTON	2,154,680	63,265	10,550	0	0	0	0	7,535	2,236,030
035 BOSTON	300,156,676	62,122,428	651,910	746,590	11,956,748	0	0	78,330	375,712,682
036 BOURNE	8,925,997	1,060,904	58,825	0	0	401,853	0	34,388	10,481,967
037 BOXBOROUGH	1,686,066	73,295	9,425	0	0	0	0	5,896	1,776,682
038 BOXFORD	3,131,016	173,495	18,950	0	0	0	0	832	3,324,293
039 BOYLSTON	1,404,997	164,886	7,400	0	0	0	0	0	1,577,283
040 BRAINTREE	22,912,855	1,885,496	109,425	0	0	0	0	0	24,907,776

Δ = 24,038

## MEMORANDUM

4 February 1994

From: Chairman, BOS

To: Board of Selectmen

Subject: Regional School Budget Presentation 2/3/94

1. I attended the 2 hour presentation of the overview of the Regional School Budget and comment on selected budget areas before the Regional School Committee by the Superintendent and department heads on February 3rd. The session was televised, as it preceded a regular Regional School Committee meeting. There were again about 10 citizens plus various staff members in the audience.

2. The presentation was totally that of the Regional "A" Budget, it was said to be what the Superintendent is requesting to maintain things as they currently are. The Superintendent said later in response to my question that they did not know whether the budget she was presenting would require a Proposition 2½ override or not. She further said that they were uncertain as to their revenue, although they had received new Education Reform Act numbers that day from the state, they had not yet had an opportunity to analyze the figures. It was admitted that the Region was in much better shape than had been anticipated, that the Education Reform Act would allow them to expend more monies than had been planned on. Other than that there was no mention at all of available or projected appropriated revenues, it was totally an expenditure presentation, with little discussion. Again much was made of the new, expanded budget format.

3. The situation this time in regard to the public access to the 198 page printed booklet of budget materials presented to the Regional School Committee was much different. About ten copies were simply laid on the table for the public, they were not numbered, the recipients names were not taken, nor did we have to promise to return them. Isa explained, at the beginning of her introductory remarks, that they had managed to shadow print the word DRAFT in large letters across each page with numbers, and date those pages, so she felt that the materials could safely be released to the public. She did stress, however, that the figures undoubtedly contained errors here and there. She also again stressed that the column that shows FY94 projected expenditures only contained figures good as of December 1993. I asked later as to the specific date in December and both Isa and Bill answered that they thought it was December 15th. Isa also stressed that the column entitled FY94 budget contained the figures as appropriated at the 1993 annual Town Meeting, not the schools figures as supplemented by the additional FY94 Education Reform Act funding that they would be receiving, and seemed to say that those comparative figures would be changed in later editions so that only the FY94 post-Ed Reform numbers would be available for comparison

with the FY95 budget request. I later commented to the Superintendent and Committee that I thought that both the FY94 pre and post Ed Reform number should be shown.

4. The total Regional School FY95 Superintendent proposed budget is \$12,219,081, up 4.33% over the amount actually appropriated by the 1993 annual Town Meeting.

5. The major line items are as follows:

<u>DESCRIPTION</u>	<u>FY 94 BUDGET</u>	<u>94/95 \$ VAR</u>	<u>94/95 \$ VAR</u>
Systemwide Support (alias Central Office)	\$ 602,612	\$ 49,664	8.24%
Systemwide Building & Grounds	192,606	7,878	4.09%
Systemwide Debt	334,487	(7,461)	-2.23%
Systemwide Insurance & Unemployment	1,521,346	(56,446)	-3.71%
Systemwide Pension	313,095	26,805	8.56%
Systemwide Professional Development	41,833	19,324	46.19%
Systemwide Special Education	1,178,406	97,515	8.28%
Systemwide Transportation	376,090	21,044	5.60%
JHS Administration	290,119	13,494	4.65%
HS Administration	488,422	35,887	7.35%
Art	147,094	13,355	9.08%
Athletics & Intramurals	177,725	21,589	12.15%
Building Operations and Maintenance	887,523	49,099	5.53%
Business Education	128,583	(18,492)	-14.38%
Counseling	382,108	22,148	5.80%
English	760,900	30,144	3.96%
English Second Language	25,272	(4,333)	-17.15%
Foreign Languages	484,183	19,072	3.94%
Health Services	49,326	1,567	3.18%

Health Education	35,010	5,330	15.22%
Life Management (alias Home Economics)	35,979	24,102	66.99%
Industrial Arts	110,487	(42,833)	-38.77%
Mathematics	708,249	24,867	3.51%
Media Services	158,659	3,404	2.15%
Music & Performing Arts	71,196	18,865	26.50%
Physical Education	219,959	3,842	1.75%
Developmental Reading	98,708	(7,600)	-7.70%
Science	741,054	43,437	5.86%
Social Studies	713,212	41,520	5.82%
Special Education	435,347	50,216	11.53%
Work Study	<u>2,397</u>	<u>28</u>	<u>1.17%</u>
<b>TOTALS</b>	<b>\$ <u>11,711,987</u></b>	<b>\$ <u>507,031</u></b>	<b><u>4.33%</u></b>

6. As part of her overview of the Budget, Isa admitted that the Regional Schools had not been forced to cut all the way back to their "B" budget after the lost overrides, because they had obtained an additional 45 School Choice students. As a result, instead of having to cut 16.53 FTE from the appropriated budget, the cuts had been reduced to 11.85 FTE. Isa pointed out generally, without giving any figures, that the Regional Schools receives income from tax appropriations, grants, School Choice monies, parental gifts and fund raising and fees. No mention was made at all of the projected "B" budget cuts that had been avoided though the imposition of fees, although it was mentioned that this was the first year fees had been imposed.

7. Isa summarized the major increases, as against FY 94 appropriations, contained in this budget as:

SPED	\$ 147,731
Curriculum & Instruction	19,768
Pension	62,585
Legal	30,000

I noted that the appropriated (School Choice not listed) legal expenditures were listed as \$105,306 in FY93, \$35,000 was appropriated in FY94, expended through about 12/15/93 is \$44,872, and the FY95 budget is \$50,000. I did not notice the discrepancy between the FY94 to FY95 budget figure of \$15,000 and Isa's summary



figure of a delta of \$30,000 until after the meeting.

8. Isa summarized the personnel changes in her budget as follows:

- 1.0 FTE Music Chairperson & teacher
- 0.5 FTE Director of Pupil Personnel Services  
(split 50% with Local Schools to  
obtain a full time Director)
- 1.6 FTE New H.S. teachers
- 3.1 FTE new appropriated fund personnel

It was further mentioned by Isa that she was proposing to carry 13.6 FTE personnel in her School Choice budget (not then presented) for a total expenditure from those non-appropriated funds of \$499,957. Isa admitted that the Choice funds are not yet decreasing at the Regional level, although she noted that the student increases being seen from Acton and Boxborough would eventually work their way up from the elementary system and decrease Regional Choice funds as well.

9. Sixty one point nine percent or \$7,568,257 of the total \$12,219,018 appropriated budget request is in personnel costs, 32.1% or \$3,921,807 is in contracted services, 5.9% or \$722,631 in material and the remaining \$6,323 or 0.1% is in equipment. The total increase in requested personnel expenses is \$367,247, the requested increase in contracted services is \$98,586, an additional \$41,838 is requested for material and supplies while equipment requests are down by \$640. The per pupil (Principal's funds) allocations in the Junior High School are \$160/pupil and \$186/pupil in the High School.

10. Although this second of three (the third will cover revolving accounts we are told) presentation booklets is very detailed, and long at 198 pages, it again does not lend itself to an easy comparison of salient, cumulative changes, in my opinion, and does not show School Choice expenditures so the financial picture is fragmentary.

11. Isa mentioned during her preliminary presentation to the Regional School Committee that she had received \$450,000 in capital requests, she expects to fund \$64,000 of those requests from School Choice revenues. Nothing was initially said about the remainder. I asked at the end of all the presentations about that capital remainder, whether it was intended to be included in the unknown capital warrant article they have asked to reserve. Isa said she did not know, that it would be discussed with the School Committee during the Saturday, 2/5 presentation or scheduled at a special meeting later. My impression is that there are plans for a large school capital warrant article request, but for some reason the Superintendent doesn't want us or the public to know about it yet.

12. Procedurally the evening proceeded with the Regional School

Committee first having their customary 45 minute executive session. Then at about 7:50 pm they began their regular meeting and almost at once moved to the budget presentation. Isa provided an overview of the appropriated budget with overheads. Then the Committee heard in turn from the High School and Junior High School department heads in English, Social Studies, Foreign Languages, Math, Science, Library/Media Services, and Art. Some of the department head discussed their substantive programs, some went beyond that and made appeals for items I judge were not in the Superintendent's budget in a low key manner, mostly for texts, monitors, VCRs and computers. The School Committee members asked virtually no questions, indeed they said very little at all. At the end of the budget session the Committee started to take a recess before beginning their regular meeting and did not even ask for comment or questions from the audience. I interrupted them, asked three questions and made one comment. No one else spoke. They then, at about 10:05 pm recessed before beginning their regular meeting agenda and I left. I will attend the 2/5 Saturday morning session, if only to capture a copy of the written materials concerning revolving accounts.

  
DORÉ

Copy to: Town Manager

CC: BOS / RETAIN

Environment, Health & Safety  
Service Center

GRACE

W.R. Grace & Co. - Conn.  
55 Hayden Avenue  
Lexington, Mass. 02173

Tel: (617) 861-6600  
Fax: (617) 863-6183

January 31, 1994

Ms. Lynn Jennings  
U.S. Environmental Protection Agency  
Waste Management Division  
Region I  
90 Canal Street  
Boston, MA 02114

Mr. Michael LeBlanc  
MA DEP  
75 Grove Street  
Worcester, MA 01605

Subject: Meeting to Discuss Lagoon Sampling Data

Dear Mr. LeBlanc,

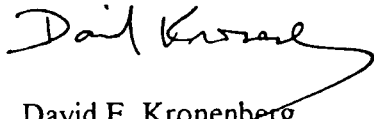
W.R. Grace would like the Government Parties to select a date and time for a meeting to discuss the results of the Other Waste Areas pre-excavation sampling.

If the Government Parties believe that we may want to modify the current site remediation plan, it is important that we do this quickly or we risk throwing off the entire project schedule. At this point, any delays in the project schedule may be critical, possibly pushing the site completion date back to the following year.

I have not scheduled anything that cannot be shifted between the dates of February 14 and February 25. Please choose the date and time in that period that is most convenient for you and schedule our meeting then. Please let Ginny Sarmatzis know which date and time you have chosen and she will arrange to have a conference room available here. I will be

traveling on business between February 4 and February 11, so if you want to speak with me during that time, please call Ginny at 861-6600, extension 2622 and she will get a message to me.

Sincerely,



David E. Kronenberg  
Manager of Environmental Affairs

cc:

Anderson, S./Anderson & Kreiger  
Ayres, J./GZA  
Benoit, E./DEP  
R. Boynton, EPA  
Cheeseman, W./CDM  
Cusson, T./DEP Section Chief  
Eisengrein, R./ACES  
Fox, H. /Legal Defense Fund  
Halley, D./Acton Health Direcot  
Ingram, L./W. R. Grace Environmental Remediation  
Johnson, D./Acton Town Manager  
Mahar, M./DEP  
Moore, M./Concord Board of Health  
Muench, G./EPA  
Myette, C./Wehran Envirotech  
Reiter, P./GZA  
Stoler, M./W. R. Grace, Boca Raton  
Swallow, J./Pine & Swallow  
Swanson, B./CDM  
Tuttle, C./DEP



MARY F. McTIGUE  
DIRECTOR

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 411  
BOSTON, MASSACHUSETTS 02108  
(617) 727-8352  
(800) 462-OCPF

December 10, 1993  
AO-93-30

CC: BOS  
MUNICIPAL FORUM

2/2/94

12/29/93

*Catherine Belbin*

Catherine Belbin, Town Clerk  
Town of Acton  
472 Main Street  
Acton, MA 01720

Re: Ballot Question Committee's Durational Limitations

Dear Ms. Belbin:

This letter is in response to your August 16 and August 30, 1993 letters requesting an advisory opinion. I apologize for the delay in my response.

The documents submitted with your letters indicate that the Community Communications Committee ("the Committee") was founded in 1989 to promote passage of a Proposition 2 1/2 override ballot question in Acton.<sup>1</sup> The voters approved the question in an election held in April, 1989. Although the question which the Committee was created to influence passed, the Committee remained in existence and continued to raise funds and make expenditures to influence the vote on subsequent ballot questions in 1990, 1991 and 1993. The override passed in 1990 and 1991, but was defeated in 1993.

You have asked the following questions:

- (1) whether the Committee must dissolve after a Proposition 2 1/2 override question was voted on in June, 1993, and contribute the funds remaining in the Committee's account to a residual fund?
- (2) After settling all liabilities, how long can the Committee keep its account open?
- (3) Can the Committee use the funds currently in its account for any future override question?

This office does not ordinarily address, in advisory opinions, issues which have already occurred. Therefore, I will not comment directly on the Committee's past activity. This office is concerned, however, that ballot question committees understand their legal obligation to dissolve after a relevant election, and I believe an advisory opinion is the appropriate forum to review this matter and to provide guidance.

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<sup>1</sup> Apparently, the Committee did not file a Statement of Organization until August, 1993, and that Statement is incomplete, since the Committee failed to state its purpose. I assume, based on the facts before me, that the purpose of the Committee was to promote passage of the override.

Section 6 of M.G.L. c. 55 regulates expenditures of all political committees, including local ballot question committees, and provides that monies and other things of value may be expended "for the enhancement of . . . the principle, for which the committee was organized. . . . "

Section 18 of M.G.L. c. 55, as most recently amended by Chapter 175 of the Acts of 1991, provides that no political committee may convert residual funds "to the personal use of . . . any . . . person" but must donate such funds to the categorical grants fund, a scholarship fund, certain charitable organizations or the general fund of a city or town. In addition, section 18 provides that this office may petition the Supreme Judicial Court for the dissolution of a political committee, if:

(iii) such political committee was organized for the purpose of favoring or opposing the adoption or rejection of a question submitted to the voters and there has been a final determination made as to the adoption or rejection of such question. (Emphasis added).

Pursuant to the above statutory provisions, a political committee may organize to promote or oppose a specific, identifiable ballot question. Once organized, a political committee may receive contributions and expend money to achieve its goal, i.e., the adoption or rejection of a ballot question. However, once a final determination regarding adoption or rejection of a particular question has been made, the political committee must dissolve in accordance with M.G.L. c.55. If it does not dissolve, this office may petition the Supreme Judicial Court to dissolve the political committee.

The above conclusion is consistent with a major purpose of campaign finance legislation: the avoidance of corruption or the appearance of corruption. A ballot question committee has raised money from the public for a specific purpose. If a ballot question committee were permitted to continue in existence after a final determination of that question, the possibility (or at least the appearance of such a possibility) exists that monies raised for one purpose would be used for another purpose.<sup>2</sup>

This office has stated that "ongoing" ballot question political committees were not generally contemplated by the statute. See AO-91-21. Support of a particular question during one election cycle does not imply support during a subsequent cycle since economic, political and other conditions change.

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<sup>2</sup>. Each Proposition 2 1/2 override in Acton from 1989 to 1993 was different. The amount which the Town would be able to assess in additional real estate and property taxes varied from \$690,000 (in 1989) to \$1,550,000 (in March, 1993). Moreover, the expenses which would be paid by municipal taxes differed from one year to the next. For example, in 1989 the taxes would be used to pay the operating expenses "of the Town Government, Local School System, and Regional School System . . . and for funding a Health Effects Study." In contrast, in March, 1993 the ballot question listed 13 departments of the Town which would receive funds, including, e.g., libraries, the Health Department, and the Cemetery Department.

For example, an Acton resident in 1989 might have felt that an override was appropriate, but by 1993, the same person might no longer hold this opinion, due to any number of reasons, including the increased size of the amount sought by the ballot question.


Ballot question committees must dissolve after the adoption or rejection of the ballot question which the committee was established to promote or oppose. Although there might be certain very limited circumstances where a committee is created to promote or oppose substantially identical ballot questions in more than one election cycle, where contributors would understand that their contributions may be used to promote or oppose a ballot question in a later election, this is not such a case.<sup>3</sup> Here, the Committee has not filed a complete Statement of Organization. Moreover, nothing in the facts before this office suggests that individuals supporting the Proposition 2 1/2 override in 1989 would have expected that their contributions would not be used in 1989 and would instead be used for Proposition 2 1/2 overrides in later years.

It is the opinion of this office that a committee such as the Community Communications Committee must donate the funds now in the Committee's account, pursuant to M.G.L. c. 55, s. 18, to either (1) the Local Aid Fund; (2) an entity which is subject to M.G.L. c. 67 or M.G.L. c. 12, s. 8; (3) a scholarship fund; or (4) the general fund of any city or town in the commonwealth. The Committee must dissolve as soon as all liabilities are settled.<sup>4</sup>

This opinion has been rendered solely on the basis of the representations in your letter and your conversation with Gregory Birne of this office, and solely in the context of M.G.L. c. 55.

Please do not hesitate to contact this Office should you have additional questions.

Very truly yours,

  
Mary F. McTigue  
Director

MFM/cp

---

<sup>3</sup>. In AO-91-21, a committee was able to remain in existence after an election since a "final determination" was never made by the voters regarding the relevant ballot question. Rather, the ballot question was removed by the Supreme Judicial Court for reasons relating to signatures of those supporting the question. In two earlier opinions, AO-83-06 and AO-84-05, this office stated that a ballot question committee must dissolve when the question is no longer at issue. In neither opinion did we consider the possibility of a committee being created to promote or oppose substantially identical ballot questions in more than one election cycle.

<sup>4</sup>. If an override question will be on the ballot in 1994, a new committee may organize for the specific purpose of promoting that question.



cc: BOS

TOWN OF ACTON  
HISTORIC DISTRICT COMMISSION  
472 Main Street Acton, MA 01720

## LEGAL NOTICE

## PUBLIC HEARING

Notice is hereby given that the Acton Historic District Commission will hold a public hearing:

Date: March 7, 1994

Time: 7:30 p.m.

Place: Room 204, Acton Town Hall  
472 Main Street

on an application for a Certificate of Appropriateness on the following items:

Replacement and redesign of front steps and new light fixtures on the West Acton Baptist Church, 592 Massachusetts Ave. (West Acton Historic District).

Applicant: West Acton Baptist Church

February 2, 1994





# MAPC News

**MAPC**

Metropolitan Area Planning Council • 60 Temple Place • Boston, Mass. 02111 • (617) 451-2770

**FEBRUARY 1994**

## Got the Deep Freeze Blues?

Think about the Spring ... the City of Boston ... and the National Association of Regional Council's 28th Annual Conference and Trade Show, scheduled at the Park Plaza May 28 -31. Now, think about how you can help make Boston '94 a huge success. There are three ways of giving: identify potential exhibitors for participation in the trade show, make a donation to the delegate gift packages, or become a reception sponsor. If you have a trade show referral or would like to discuss the benefits of a gift to Boston '94, call Donna Howard at MAPC.

## Council Spotlights Economic Development

The afternoon session at the Winter Council meeting scheduled Wednesday, February 23rd, will spotlight economic development policies, actions and strategies that are being promoted by various segments of the region's business and government sectors. Boston Mayor Menino, Michael Hogan, Executive Director of the Massachusetts Office of Business and Development, and Richard Walker of the Federal Reserve Bank of Boston and Chairman of MAPC's Economic Development Committee are scheduled to speak. Register now and come early for what promises to be an important discussion. *Contact: Donna Howard.*

## Waste Ban Regulations

To ensure proper disposal, recycling, or composting, the Department of Environmental Protection (DEP) solid waste regulations ban certain materials from landfills and incinerators. The regulations also require random inspection of waste loads to ensure that banned materials are not being disposed. Banned materials include lead acid batteries, whole tires, household appliances, leaves, and metal or glass containers. In 1993, DEP offered communities the option to adopt a Department Approved Recycling Program for glass and metal containers, which exempts municipal waste loads from these inspections.

1994. DEP will establish a Department Approved Composting Program to exempt waste load inspections from communities with leaf and yard waste composting programs. Applications for the Department Approved Composting Program are available from the

DEP Division of Solid Waste Management, Composting Program at (617) 292-5628.

Waste bans for recyclable plastics and paper are scheduled to go into effect on December 31, 1994 and DEP is now planning for implementation of the recycling rules for these materials. A forum will be held in early 1994 to discuss the types of plastic and paper that should be included in the ban. For more information call John Pepi of DEP (413) 784-1100 x 286.

## Bays Action Grants

\$23,000 in Bays Action Grants is available to citizens, educators, local governments, and small businesses throughout the Mass Bays area for community-based coastal awareness and pollution prevention projects. Priority issues for the bays include living resource and habitat protection, and reduction of toxics, pathogens and nutrients to the bays. Programs that address actions recommended in the Comprehensive Conservation and Management Plan, and those that include matching funds and/or in-kind contributions will be given priority consideration. Projects with strong cooperative features, promoting natural resource protection efforts amongst agencies, communities, business and/or citizen organizations are urged to apply. (Grants range from \$500 to \$1,500). Applications should be postmarked by Wednesday, March 30 at 5:00 p.m. to:

**BAYS ACTION GRANTS**  
Massachusetts Bays Program  
c/o Urban Harbors Institute  
UMass Boston, 100 Morrissey Blvd.  
Boston, MA 02125-3393

Contact: 1-800-447-BAYS

## School Studies

MAPC's Sharon and Foxborough school studies, conducted last year and developed to project future school enrollment and classroom needs, has started a trend amongst MAPC member communities. Natick, Hingham and Middleton recently signed on for similar studies. School enrollment forecasting is necessary in planning for quality educational facilities and can save significant sums of money in new construction projects and in costs associated with re-opening schools that have been closed.

*Contact: Douglas Carnahan*

## Water Resources

MAPC has been working on the national level to help formulate policy and secure federal funding for water resources. Under the leadership of MAPC's Franklin Ching, the National Association of Regional Council's has formed a task force to address the Reauthorization of the Clean Water Act, the Safe Drinking Act and other water resources issues. An issues paper on the acts has been developed to facilitate discussions.

*Contact: Martin Pillsbury*

## Low Level Radioactive Waste (LLRW)

The 1992 Massachusetts Low-Level Radioactive Waste Survey is available for viewing at MAPC. The survey profiles and categorizes LLRW, especially the portion that was shipped to out-of-state disposal facilities last year. A vote by the Low Level Radioactive Waste Management Board on siting a LLRW disposal or storage facility in Massachusetts is scheduled for February. For more information call (617) 727-6018.

## Housing Bond Bill Passes Senate

In the final hours of the 1993 session, the legislature passed the first housing bond bill since 1987. The new law authorizes \$295 million: \$40 million for new public housing, \$130 million for public housing modernization, \$20 million for community development action grants, \$25 million for lead abatement, \$30 million for alternative forms of housing, and \$50 million for acquisition, preservation, and rehabilitation. The last category will count as a match, leveraging federal dollars under the HOME program.

*Contact: Judith Alland*

## Concentrated Development

Concentrated Development Centers (CDC) in the Urban Economic Core and in the downtown areas of Malden, Waltham, and Natick will come before the February Council for designation. If the designations pass, the Centers will be placed on the regional development map as target areas for infrastructure investments. By targeting future development to the central business districts, sprawl is discouraged and transit use, ridesharing and pedestrian trips are encouraged.

aged and auto travel, air pollution and congestion is reduced. Malden and Waltham mayors have approved the CDC Memorandum of Understandings and are preparing to meet with state agencies to discuss infrastructure needs.

Franklin, Sudbury, and Framingham have also taken steps towards CDC designation. A mini plan has been developed and is under review for Sudbury and a preliminary review has been developed for Framingham and Franklin.

CDC designations being sought by Inner Core communities include Boston (State Hospital and Allston Landing); Medford (town square); and Chelsea (Everett Ave. North, Parkway Plaza, Industrial Triangle, Upper Crescent Ave. and Lower Marginal St.). Mini-plans are currently being reviewed by the communities.

### 1994 Preservation Awards

The Massachusetts Historical Commission is seeking applications from individuals or organizations for outstanding preservation projects that were completed January 1993 to December 1993. Awards are based on individual and/or project contributions that significantly preserve the historic resources of Massachusetts, and heighten awareness of historic preservation. Projects must be of exceptional quality and/or have significant impact on the preservation community. Accuracy of the background information and completeness of the nomination form will be an integral part of the decision making process. Entries must be received no later than 5:00 p.m. on March 4th:

1994 Preservation Awards  
Massachusetts Historical Commission  
80 Boylston St., Suite 310  
Boston, MA 02116-4802

### Upcoming Subregional Forum

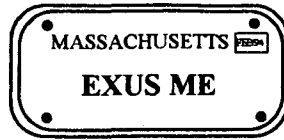
Representatives from each of the eight subregions will join MAPC officers and staff at Brandeis University on Tuesday, February 15th to evaluate work efforts and explore ways to strengthen and enhance subregional program activities.

Contact: Jean Christensen

### Sweeping Changes Proposed for Local, Regional and State Land Use Planning

1000 Friends of Massachusetts, a grassroots coalition dedicated to promoting land-use planning reform in the Commonwealth, has filed legislation that represents the most sweeping set of changes to affect regional planning agencies in recent years. "The Massachusetts Planning and Development Act" is designed to "leave most decisions at

the local level, have regions act as coordinators, and the state as policy maker or mediator." Public information meetings are being held throughout the state to educate the public on the proposed legislation. The February meeting is scheduled for 7:30 p.m. on Thursday, the 3rd at the Forbes Municipal Building, 34 Main St. in Westboro.



### New Reps

MAPC welcomes Wayne P. Marquis, Danvers Town Manager and his alternate Anne M. Krieg; Vincent R. Terrill of Manchester; Ellen Anderson of Milton; Kevin R. Donovan, Rockland Executive Secretary, and Jane Chmielinski of Winthrop to the ranks of Council membership. Stay tuned for information on the next New Member Orientation Session.

### E911 Update

Enhanced 911 legislation became law on January 14, 1994. Communities that are interested in pursuing joint dispatching operations can now receive assistance for some of the upfront costs associated with establishing Enhanced 911 services.

For more information contact, Glenn A. Roach, Statewide Emergency Telecommunications Board at 272-1911 ext. 101 or Jean Christensen at MAPC.

### Clean Cities

MAPC's Chairman Ed Tarallo will join Boston Mayor Menino, the governor, and other city and state leaders on Thursday, February 24th at 10:00 to sign a Memorandum of Understanding outlining public/private-sector partnerships and strategies to help attain the goals set forward by the Department of Energy's Clean Cities Program to put 250,000 alternative-fueled vehicles on the road and 500 - 1,000 refueling stations in 50 cities across the nation by 1996.

The Clean Cities program is designed to accelerate and expand the use of alternative fuel vehicles (AFV) in urban communities and to provide refueling and maintenance facilities for their operation.

Both the Clean Air Act Amendments of 1990 and the Energy Policy Act of 1992 contain mandates and incentives for the use of alternative fuels in vehicles.

### Planners Forum

Community planners are invited to a second forum sponsored by MAPC on Tuesday, March 15 at Wellesley Town Hall. Stay for more.

Contact: Martin Pillsbury

### Essex Turns 175

A dinner/dance gala on February 11th (6:00 - 11:00 p.m.) at Woodman Function Hall in Essex will kick off year-long celebration activities commemorating the 175th birthday of the Town of Essex. The gala is just one of many activities planned throughout the year. For ticket information contact: Susan Coviello (508) 768-7619.

### Environmental Reviews

MAPC recently reviewed and distributed the following environmental reviews:

- Salem/Amnesty License
- Boston/Building 114
- Peabody/Water Filtration Plant Residuals Basin
- Manchester/Christian Book Distributors
- Quincy/United States Naval Shipbuilding Museum.

### February Calendar

1	9:00 a.m.	MetroPlan Committee
	12:00 p.m.	Legislative Committee
4	10:00 a.m.	MPO Liaison Committee
8	12:00 p.m.	Finance Committee
9	8:30 a.m.	NSPC
	3:30 p.m.	JRTC
	7:30 p.m.	MetroWest Marlborough
10	8:30 a.m.	NSTF
	7:30 p.m.	MAGIC
15	3:00 p.m.	Hudson Subregional Retreat
16	9:00 a.m.	Brandeis Executive Committee
17	3:00 p.m.	SWAP
	7:30 p.m.	SSC
21	Holiday	President's Day
23	3:30 p.m.	Winter Council
24	12:00 p.m.	Cambridge Sonesta Economic Development Committee

Please call ahead to confirm.

cc: BOS

FOR COPYING FOR  
T. 2001  
+ JSP

ACTON HISTORIC DISTRICT COMMISSION  
CONTINUATION OF MINUTES  
NOVEMBER 1, 1993

FEB - 1

At 9:05 the Commission moved to room 204 for the 8:45 schedule in preparation for hearing with of Acton Congregational Church, 20 Concord Rd.

MEMBERS PRESENT: Mike Lynch, Michaela Moran, Ann Forbes, Whit Mowry, Sandy Schmidt.

Chris Dallmus and Joan Gates were in attendance as private citizens, along with some ten others.

PRESENT ON BEHALF OF THE CHURCH: Grif Resor, Bill Givens, Peter Bollier. Jack Kessler, representing attorney, and Paul McGinley, preservation consultant.

Whit Mowry stated he had done previous work with McGinley and Hart but at this time was not involved in any way.

First Question asked by Ann was do we feel that enough information has been presented to hold a public hearing. We felt without an application in hand this would be difficult. Mr. Kessler at this time spoke, introducing himself for the first time to the Commission as the ATTORNEY representing the church. He said that no application had been filed as yet and until the jurisdiction problem is solved they weren't sure they could do so. He wanted to present plan to Commission and people present. He stressed the plan and wanted feedback to guarantee its okay and felt if a plan was approved and a mutual agreement was made then there was no need for an application. Mr. Kessler stated he was going to speak with the TOWN MANAGER and TOWN COUNSEL the next morning and did not wish to discuss the legality of the application at this time. He would also discuss with them when to submit an application.

It was discussed what would be the proper amount of time to have information available to the public. If plan comes in tomorrow, is this sufficient time? Mike spoke, saying that we can not present something to the public that we haven't seen. There could be legal problems here. He feels the church is using us as an advisory board, which we are not. Ann added that we do have legal obligations to meet. The process has to work properly in order to hold a public meeting. We could choose to go ahead with public hearing and in the event not enough information was available to the public, vote for a continuation past the 9th.

Griff Resor, Bill Givens, and Peter Bollier spoke for church, basically stating their concern over jurisdiction issue and asking why this application is so important, can't we just agree on a plan and settle this all.

Mr. Kessler continued his argument of jurisdiction and repeatedly asked for a few minutes to present plan. It was finally agreed by Commission members we would allow five minutes to hear plan. Paul McGinley, Preservation Consultant, presented the plan. Whit questioned about screening with trees and shrubs for homes that were direct abutters. The screening of trees and shrubs was explained, assuring us this was definitely a concern and taken into consideration. Michaela asked if barn would be on the same level as the house. It was stated it would be.

Janet Murphy, a direct abutter, was very concerned about the short time frame for public viewing of the plan and also would like to see it available for late hours not only daytime. It was agreed we could mount it in the Town Hall entrance way since the building is open most evenings for meetings, and the Church representative agreed to submit a fourth copy of the plan for this purpose.

Wally Gates expressed concerned about compressing the approval process because of the Church construction period. We don't want to set a precedence.

Some feedback on what lighting would consist of. The church was thinking of illumination from back of buildings with motion detectors.

Mr. Kessler was questioning again what our thoughts were on the plan, asking for feedback. Michaela stated that in her opinion the plans looked very good compared to what she envisioned it could be. Ann also felt it was a good plan and has come very close to meeting all requirements with thoughtfulness. The scale has come more in line with property and area around.

Whit again stated the time frame we are looking at is not enough.

It was then voted unanimously by remaining members, Ann, Whit, Michaela, and Mike that if no application is in hand by Friday, Nov. 5, 1993 we would cancel the Public Hearing, giving the necessary 48 hours notice to the public.

Givens said he would have plans in by 9:30 the next morning.

Meeting adjourned at 10:55 PM

Submitted by

Sandy Schmidt

cc: BOS

## HISTORIC DISTRICT COMMISSION MINUTES

January 3, 1994 7:30 p.m. Town Hall, Room 204

Members presents: Chris Dallmus, Anne Forbes, Joan Gates, Michaela Moran, Whit Mowry, Sandy Schmidt, and Tom Peterman, Alternate.

### ANNOUNCEMENTS:

APPL. # 9318--ACTON MODEL RAILROAD, CERTIFICATE issued on 12/8/93.

APPL. # 9317 ACTON CONGREGATIONAL CHURCH for 20 Concord Rd. --Anne talked with Peter Bollier and Bill Givens, and was assured that the paver had left out the peninsular on purpose, because it was easier and would change it for the final coat of paving.

TOWN WARRANT CLOSES JAN UARY 7TH.

MPCC MINUTES from MAY 26 were received. It was agreed Joan would send a note to the MPCC (copy to Engineering Dept.) asking them to notify the HDC whenever plans are actually being formulated within any of the Historic Districts.

MASS. HISTORIC DISTRICT COMMISSION has complimented the Acton Historic District Study Commission on its study. Anne will submit commission comments on the new Guidelines for Establishing Historic Districts.

APPLICATION # 9319--Chris and Priscilla Dallmus for roofing replacement at 3 Wood Lane. Chris removed himself to the other side of the table and stated that he was applying as a private citizen. Joan noted that she was an abutter and would have to withdraw. Anne noted that she did not feel she would be unaffected by knowing Chris and others on the HDC would feel the same. She therefore noted she was invoking the Rule of Necessity and we would all, but Chris, participate.

Anne moved (seconded by Whit) that the reroofing, with the exception of the ell which can't be seen from the street, if it includes the replacement of the drip edge, is within our jurisdiction. IT WAS VOTED UNANIMOUSLY. Whit moved (Joan seconded) that we waive a public hearing as the changes are too minor. IT WAS VOTED UNANIMOUSLY.

A list of violations at West Acton Village businesses was submitted.

ELECTIONS: Anne Forbes was unanimously elected Chairman. Chris Dallmus was unanimously elected Vice-chairman. Joan Gates was unanimously elected clerk/secretary.

PUBLIC HEARING ON APPLICATION #9316--for a sign at West Acton Mobil station on Mass. Ave. Dennis H. Stephens (Mobil Oil representative) and Charles Picarrello appeared for the applicant. Submitted were: 1) application, 2) section of site plan, 3) full site plan, 4) polaroid, 5) full color computer design, 6) fee of \$15, 7) extension form until 1/25/94. It was noted that no letters had been received from abutters. Anne read a letter from the Building Commissioner in which he outlined 7 aspects of the sign which would fall under a special permit.

Stephens noted that as an engineer for Mobil Oil he was here at the towns' request to modify the present freestanding ID sign. He said they were perfectly satisfied with the present sign. and although they were submitting the proposal for a replacement, he wasn't happy with it, Charlie wasn't happy with it and he didn't think the town would be.

Illumination would be by spot light with lens, probably 200 watt. Stephens said he thought it would be a problem for drivers coming the other way, and would prefer an internally lit sign. He proposed that if they could keep the present sign and location, he would reduce the "Mobil" section to 5'x2-1/2'. He wanted to know if the HDC could live with the present internally-lit sign modified to be smaller.

After much discussion about the proposed location, and size of the proposed sign and whether it would be a safety hazard, it was agreed that Stephens would have a mock-up sign for a site visit for the HDC at 7 a. m. on Tuesday, January 11. He also agreed to furnish the Commission with a scale drawing of the possible reduced sign. He was asked for any other designs the company might have for wooden signs. The hearing was continued until January 18 at 8 p.m.

Anne announced that Dore has gone ahead and done a draft of some by law changes he proposes for the HDC bylaw. We have not had an answer from Town Counsel in regard to our November 24 request for legal opinion on the proposed changes. Dore will be unable to meet with us on January 18 as the selectmen are meeting then. The Commission was in agreement that they would like to be the ones to propose a change in the HDC by law if there is to be one. Anne will discuss this with him.

The meeting adjourned at 10:35 p.m.

**HISTORIC DISTRICT COMMISSION MINUTES**

January 18, 1994 7:45 p.m. Town Hall, Room 126

Members present: Anne Forbes, Joan Gates, Michaela Moran, Whit Mowry, Sandy Schmidt, and Alternates Mike Lynch and Tom Peterman. Trey Shupert of the Planning Board and Wayne Fredericks of Windsor Ave. observed.

ANNOUNCEMENTS: Anne reported she had sent comments to the Mass. Historical Commission on their draft for establishing a local historic district. She noted a handout of an article from the Boston Globe supporting the use of continuous ridge rents all the way to the end of the roof. Joan reported she had notified the MPCC (copy to Eng. Dept.) that HDC should like to be notified of any plans actually being formulated within any of the districts. She has also delivered a new list of officers to the Town Clerk. Anne reported that due to snow, neither she nor Michaela attended the 1/4 Selectmen's Meeting, but that Don Johnson had assured her that changes to our bylaw would not be discussed.

CONTINUATION OF JAN. 3, 1994 HEARING ON APPLICATION # 9316---for a sign at West Acton Mobil Station on Mass. Ave. Dennis H. Stephens (representing Mobil Oil) stated that he was showing new scale drawings of the existing sign and of a scaled down version of the existing sign; both would be internally lit; and a drawing of a wooden monument sign which he proposed to light from the ground about 4' away. Stephens noted that these had been suggested at the site visit the HDC made on Jan. 11 at 7 a.m. He stated his willingness to grant an extension to the HDC.

Communication from the Building Commissioner in regard to what is allowed in the West Acton Village District by "right", and what by special permit. A major problem appears to be that any sign is required to be no taller than the distance away from the setback (minimum of 5'). In order to get that setback, it would appear that the station would have to eliminate a parking place, which would require a new site plan approval.

Trey Shupert from the Planning Board reviewed with Stephens the chronology of the reconstruction of the station and the application process. He stated that he thought the HDC was "between a rock and a hard place". The HDC could make a recommendation to the Zoning Board of Appeals, or the petitioner could ask for a variance from the ZBA and then the HDC could make a recommendation.

Stephens agreed to do an extension until March 11. Stephens said his goal would be "to have a sign that met with this board's acceptance, but was beyond your approval that I can go the Zoning Board of Appeals with." The hearing was continued until March 7, 1994 at 8 p.m..

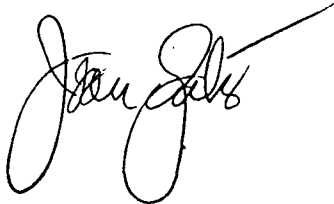
APPLICATION #9401—Sandy and David Schmidt, 285 Arlington Street for repair and replacement of wood soffit, wood fascia, half-round galvanized metal gutter, 4" corrugated downspouts, crown molding and 24" of exposed roofing slates, all materials to duplicate originals as close as possible.

Sandy and Whit, who will be the contractor, stepped down from the HDC for discussion on this matter. Anne stated that she would evoke The Rule of Necessity so the rest of the commission members could take this up.

IT WAS VOTED (Forbes moved, Gates seconded) UNANIMOUSLY that the proposed work on Appl. #9401 was outside of our jurisdiction based upon section 9.3 and section 9.1.5 of our bylaw. A Certificate of Non-Applicability will be issued.

PROPOSED CHANGES TO HDC BYLAW- The commission reviewed Dore Hunter's most recent list of proposed changes to our bylaw and discussed the possible effects of each one. We still hope to get Dore to meet with us to discuss them. We have awaited comment and legal opinion of Town Counsel on the proposed changes; we have made several requests( Oct.22, Nov. 24)through the Town Manager. It now appears that we will only hear after they are part of the warrant.

The meeting adjourned at 10:45 p.m.

A handwritten signature in black ink, appearing to read "Joan Gates", with a long, sweeping horizontal line extending from the end of the signature.

Joan Gates, secretary / clerk



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MEYER A. KESSLER  
LAWRENCE M. KRAUS  
JENNIFER C. PLATT

THOMAS KAPLAN (1916-1993)  
JAY ORLIN (1936-1993)

January 31, 1994

CC: BOS - FYI

Mr. Donald P. Johnson  
Town Manager  
Town of Acton  
472 Main Street  
Acton, MA 01720

Dear Mr. Johnson:

After leaving the Massachusetts Senate and joining the Boston law firm of Goulston & Storrs, I have had the opportunity to gain new perspectives on the issues that affect cities and towns. I continue my interest in public policy, public finance and health care, and am fortunate to be able to work with a group of attorneys with broad experience in the areas of economic development, public finance, real estate development, environmental law, bankruptcy, health care and employee relations.

From time to time, Goulston & Storrs publishes client advisories on legislative and legal developments of interest to cities and towns. I am enclosing our overview of tax increment financing, one of the newest economic development tools for cities and towns, in the hope that you will find it of interest. I have taken this opportunity to add your name to our mailing list, and hope you will find our advisories useful and informative.

Please feel free to call me or any of my colleagues if you have any questions about tax increment financing or any other public policy issues. Best wishes for a happy and healthy new year.

Very truly yours,



Patricia McGovern

*I hope you find  
this useful -*

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GOULSTON  
& STORRS

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TAX INCREMENT FINANCING:  
BOOTSTRAPPING THE COMMONWEALTH'S  
ECONOMIC DEVELOPMENT

January, 1994

*For more information on tax increment financing, please contact Peter D. Corbett (617-574-4124), Douglas M. Husid (617-574-4139), Patricia McGovern (617-574-4001), Daniel C. Sacco (617-574-6407) or Marilyn L. Sticklor (617-574-4077).*

*This summary has been prepared for clients and friends of Goulston & Storrs. It provides general information only and should not substitute for professional advice on your specific legal situation. This publication may be considered advertising material under the Rules of the Supreme Judicial Court of Massachusetts.*

Massachusetts' recently-enacted economic development program, Chapter 19 of the Acts of 1993 ("An Act Relative to Incentives for Economic Development"), includes "tax increment exemptions," a form of tax increment financing, among the incentives which it authorizes. In order to foster economic development, a municipality can agree to exempt from property taxation all or part of the increased value which accrues to a parcel because of the development of a project. These exemptions can last for a period of up to 20 years. To be eligible for such an exemption, the project and the proposed agreement between the developer and the municipality must satisfy certain criteria contained in the Act and established by the Commonwealth by regulation.

### Why TIF is Attractive to the Community

Without raising taxes or using any current revenue, tax increment financing (TIF) serves as a public financing tool to assist economic development projects. TIF exempts from taxation only portions of the increased value of a parcel created by a TIF project. It does not involve any public borrowing or appropriation and does not reduce the revenue that would be received in the absence of a TIF project. Unlike the form of tax increment financing found in many other states, the tax increment exemption form of TIF authorized by the Act does not involve the issuance of bonds, thereby avoiding the costs and complications typically associated with bond issues.

### How It Works

If a municipality decides that an important development project requires a public financing component to be viable, it can exempt all or part of the new value (the "increment") from real estate taxes for up to 20 years (subject to certain state requirements). Any project granted such an exemption will continue to pay taxes on the value of the project area prior to the new development (adjusted for increases in property values in the municipality).

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### **How TIF Can Help Development**

The viability of a development depends on its total annual cost per square foot of developed space. That cost includes financing, operation, maintenance, insurance and taxes. Reducing taxes for a limited period can improve a project's viability, especially in economically-distressed areas where the other components of cost can be unusually high and inflexible.

Using TIF will benefit a municipality in cases where a desirable development project meets the "but for" test. If a desirable project cannot be built without a public component as part of its financing — if the project would not exist, but for the public financing component — then it makes sense to use TIF.

Using TIF will benefit developers by opening up development opportunities that are not financially viable in the absence of a public financing component — for example, developments in older urban centers, or on sites with expensive environmental problems such as asbestos or groundwater contamination.

A good candidate for TIF will typically have two characteristics: (1) site-specific handicaps to development, such as environmental problems or infrastructure limitations and (2) a reasonable probability of generating benefits, such as sparking development of surrounding land or increasing local employment, the value of which cannot be captured by a private developer and thus cannot support additional private borrowing. A municipality can capture such benefits, in the form of increased employment, increased tax revenue due to redevelopment of surrounding land, and community revitalization. These benefits make it reasonable for a community to provide financial assistance to projects in situations in which such assistance could not reasonably be provided by the private sector. For example, the risks and projected returns of a project might justify the lending of only 80% of the necessary financing, according to the underwriting standards applied by private lenders. But if the project will produce benefits such as sparking further development, it may make sense for the community to close the gap in the financing of the project by providing sufficient tax increment exemptions.

### **Where Can TIF Be Used?**

TIF can be used for projects in two types of areas designated by the Commonwealth as holding promise for economic development: (1) within Economic Opportunity Areas and (2) within TIF Zones.

- Economic Opportunity Areas (EOAs) are specially-designated portions of Economic Target Areas (ETAs). ETAs are areas which satisfy certain statistical criteria, such as exceeding a certain unemployment level, and which have been designated ETAs pursuant to the terms of the Act. Only 20 ETAs can be designated statewide. Projects within an EOA which have been approved by the municipality and certified by the Commonwealth can receive tax increment exemptions. The Act also provides, as an alternative to TIF, a special abatement of property taxes for up to five years, on a sliding scale ranging from 100% abatement in the first year to 0% abatement in the fifth and following years.

To obtain designation of areas as ETAs and EOAs, a municipality (or group of contiguous municipalities) must submit an application for areas which satisfy the criteria of economic distress set forth in the Act. These applications must include other materials which demonstrate comprehensive economic planning for the area and a commitment to provide tax increment exemptions or special abatements for approved projects.

- TIF Zones are areas designated by the municipality and approved by the Commonwealth. They must be located within areas designated by the Secretary of Economic Affairs as "presenting exceptional opportunities for increased economic development." The Act contains no maximum limit on the number of TIF Zones and no additional criteria regarding their designation. Projects within TIF Zones which are approved by the municipality and certified by the Commonwealth can receive tax increment exemptions.

### **TIF Agreements**

Tax increment exemptions are granted to certified projects by means of TIF Agreements entered into between the developer of a project and a municipality. A TIF Agreement provides a tax increment exemption for up to 20 years. The assessed valuation of the property as of the fiscal year prior to the certification of a TIF Agreement by the Commonwealth serves as the base valuation. All taxes attributable to the base valuation are paid to the municipality and are not subject to exemption under the Agreement. The base valuation is adjusted year to year by an adjustment factor which reflects increased property values in the municipality. The construction of the project creates new, additional value above the base valuation; this increased valuation or "increment" is eligible for exemption from property taxation.

## GOULSTON & STORRS

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The percentage of the incremental value that is exempt (the "exemption percentage") and the duration of the exemption (up to 20 years) are both matters for negotiation between a developer and a municipality, and both must be approved by the Commonwealth. The portion of the property that is exempt from taxation under this program will not be considered new value for purposes of Proposition 2 1/2.

### **Approvals from the Commonwealth**

Approvals of TIF Plans (which contain a narrative description of and plans for the project) and TIF Agreements (as described above) must be obtained from the Economic Assistance Coordinating Council (EACC) which the Act establishes within the Massachusetts Office of Business Development in the Executive Office of Economic Affairs. Economic Target Areas and Economic Opportunity Areas must also be designated by the EACC in response to applications from municipalities. In addition, TIF Plans must conform to regulations issued by the Executive Office of Communities and Development.

### **Goulston & Storrs Comment**

Tax increment financing offers great potential as a development tool for developers and municipalities. Its suitability for a particular project will depend on the factual details of the project and the characteristics of the area in which the project is located. A decision to use TIF will involve real estate development, legal, economic development and public policy judgments. ■

## MASTER PLAN COORDINATING COMMITTEE

### MINUTES

September 22, 1993

Present: Anne Fanton, Board of Selectmen      Roland Bartl, Planning  
Chris Delaney, Chamber of Commerce      Nick Miller, Citizen at Large  
Gary Rhodes, Building Department      Michael Moran, Historic  
David Abbt, Engineering Department      District Commission

1. Review and approval of May 26 Minutes

Several corrections were made and Nick will revise and send to Anne.

2. Announcements

None

3. Clarification of Outstanding Issues before MPCC

The issues were discussed and a list is attached to these minutes as approved at the 12/7/93 meeting.

4. Discussion of Issue 1.(I): Sign Bylaw in Historic Districts

There is concern that the sign bylaw does not treat the East Acton Village (EAV) and the West Acton Village (WAV) equitably. In an Historic District, (e.g, WAV) all sign requests, by state law, must go before the Historic District Commission (HDC), while in the EAV only special permit requests go to the Planning Board; many signs are erected by right simply with a permit from the Building Department. First, the two review authorities (HDC and Planning Board) operate using different criteria, so that resulting signs can be quite different. The HDC has considerable discretion in determining sign acceptability, and could easily approve signs not in conformance with the sign bylaw, or disapprove signs that are in conformance. Second, fee for review by HDC is \$15, while for Planning Board is \$100. Finally, sign applicants must know whether or not they are in an Historic District. In general, it was concluded that HDC needs guidance and assistance in understanding and interpreting the sign bylaw so that HDC approvals will be in conformance with that law. It was concluded that fee inequity is not an issue since businesses in historic districts have to file for more changes than those in EAV.

5. Discussion/Evaluation of PUD option in ZBL re current market conditions

There is currently little demand for commercial development, but increasing demand for residential development. Hence, areas of the town where the zoning bylaw permits Planned Unit Development (PUD) to encourage mixed use development may end up being developed as mostly or all residential. Since residential developments are not self-supporting in terms of taxes brought in, current PUD zoning could place a heavier burden on town resources than anticipated as these areas turn largely residential. Further, commercial development will occur less than planned. Should zoning be changed to reflect this market reality? This question is especially important for areas that are currently fully built in terms of commercial development, but in which commercial interests wish to expand. The conclusion was reached that development patterns should be monitored, and zoning changes recommended to increase the intensity of commercial development in areas that

could support it (in terms of traffic carrying capacity) if other areas (those subject to PUD requirements) end up being mainly low traffic generating residential.

6. Next Meeting Date

Next meeting originally scheduled as 18 November, but since changed to 7 December.

Date: November 14, 1993

Nick Miller

cc:	Town Clerk	Historic District Commission
	Board of Selectmen	Board of Health
	Conservation Commission	Municipal Properties
	Finance Committee	Housing Authority
	Recreation Commission	Council on Aging
	Commission on Disabilities	

## REPORT ON ISSUES ADDRESSED BY MPCC

12/7/93

<u>Issues</u>	<u>Status/Resolution</u>
<b>1. Problems with Sign Bylaw:</b>	1. As noted below:
A. Light on dark requirement in village districts	A. MPCC recommended removal of requirement from ZBL (3/92); Planning Board agreed; adopted at 1993 Town Meeting.
B. Size limits in East Acton Village.	B. MPCC members drove by signs on Rte 2A in E. Acton before discussion; recommended no change in ZBL (4/92).
C. ZBL gives option of filing with BOA for a variance and with Planning Board for a special permit; issue was duplication and cost (fee) impacts if request required two filings.	C. MPCC discussed issues at several meetings; one amendment was proposed by Planning Board and adopted at 1993 Town Meeting; planning staff will look at other options to remove duplication.
D. Signs in public way, both permanent and temporary.	D. MPCC developed recommendations to BOS on 4/92; BOS discussed and agreed to policies; building and planning staff drafted guidelines for Town Manager.
E. Governmental signs - equity issue.	E. Town has been voluntarily complying with dimensional and other requirements.
F. Prohibition of plastic materials in village district signs except by special permit.	F. MPCC agreed on 4/92 not to recommend change in ZBL; agreed to reconsider if suitable materials can be redefined.
G. Request for clarification of Section 7.12.1.5 re. colors allowed by special permit.	G. Section clarified for Chamber's representative at 3/92 MPCC meeting.
H. Coordinate HDC role in sign permits in villages to eliminate duplication; equity between historic village and EAV/NAV sign review.	H. Coordination issue resolved by planning staff and HDC; equity issue discussed by MPCC in 9/93; recommended staff assistance to HDC re. "by right" signage in EAV/NAV and guidelines used by Planning Board for special permits; assistance provided 10/93.



2. Define "Consistency with the Master Plan"	2. MPCC discussed over several meetings; unresolved; some agreement reached that requirement encouraged boards to review and consider Master Plan in making decisions.
3. Clarify Transfer of Development Rights	3. Presentations and discussions by MPCC in 9/92 and 10/92; recommendations developed for training sessions for realtors and property owners, to be sponsored by Chamber but provided by planning staff; staff time is limited for now; town and business volunteer assistance essential to success; at a minimum, should be included at time of EAV plan; timing unresolved; some amendments to ZBL might grow out of experience with and more discussion of TDR.
4. Update Transportation Plan	4. Staff reviewed plan prior to MPCC meeting; MPCC discussed all recommendations in 5/93; agreement reached on updated plan; summary included in Minutes of 5/26/93; completely updated plan to be documented by planning staff as time allows.
5. Timing of the Site Plan Review and Approval Process; questions concerning timing of BOA variance requests and design issues.	5. MPCC discussed in 1/92 and 2/92, using WAV Mobil station as case study. Chamber's concern was length of review process and staff clarified times/steps necessary; MPCC reached some agreement that variance requests need early decision, therefore, BOA needs more staff guidance on impacts/options; no resolution on design issues (except HDC role in villages); "design review board" did not receive widespread public support during Master Plan process.

<p><b>6. Clarify New ZBL Requirements for Business Community</b></p>	<p>6. (A.) Planning staff wrote a comprehensive "Development Guide" over many months which was reviewed and edited by MPCC members; guide was completed in 8/92; Chamber has advertised availability to its members; MAPC has provided copies to other communities and the guide was published in a statewide planning journal. (B.) MPCC discussed the benefits of annotations (explanatory sections) to be added to the ZBL and writing a summary of what signs can be erected by right; these were put on hold due to current demands on staff time.</p>
<p><b>7. Clarify Responsibilities for Actions listed in the Master Plan</b></p>	<p>Planning Board representative to MPCC developed matrix of actions with suggested board/organizational responsibilities; matrix with cover letter was sent to town boards and community organizations, 7/92. MPCC chair compiled all responses and produced a "Matrix of Master Plan Responsibilities" which was provided to BOS for use in their annual Oversight Meetings.</p>



JOHN M. URBAN  
Commissioner

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION  
COMMUNITY ANTENNA TELEVISION COMMISSION  
LEVERETT SALTONSTALL BUILDING  
100 CAMBRIDGE STREET, BOSTON 02202

BOS  
Cable Cam  
V  
2/3

(617) 727-6925

January 26, 1994

BY FAX

Mr. William P. Morton  
General Manager  
A-R Cable Services, Inc./Cablevision Systems  
577 Main Street  
Hudson, MA 01749

Re: Pre-Hearing Conference and Public Hearing on Rate Regulation  
Second Revised Date and New Location for the Public Hearing

Dear Mr. Morton:

The Commission has again changed the date upon which your public hearing will be held. The location has also been changed. The Commission has now established Thursday, February 17, 1994 as the date on which it will hold a public hearing concerning the cable television rates for the basic service tier and associated equipment of A-R Cable Services/Cablevision Systems for the communities of Acton, Bedford, Braintree, Fitchburg, Gardner, Georgetown, Groveland, Haverhill, Hudson, Leominster, Lexington, Lunenburg, Lynnfield, Maynard, Norwood, Peabody, Stow, Sudbury, Templeton, Westminster, and Westwood. The hearing will be held at 2:00 P.M. at The Massachusetts State Racing Commission Hearing Room, 1 Ashburton Place, Room 1313, 13th Floor, Boston.

The Commission's regulations require that A-R Cable Services/Cablevision Systems arrange for notice of the public hearing, both by newspaper publication and by cablecasting. Please note that a notice of the hearing must be published in a newspaper of general circulation serving each of the affected towns. A copy of the applicable regulation, together with a copy of the Notice of Hearing, are included with this letter.

In addition to the rate hearing, a one hour pre-hearing conference has also been scheduled for Monday, January 31, 1994 from 3 P.M. to 4 P.M. This date has not been changed. It will be a joint pre-hearing conference with Cablevision of Boston and Cablevision of Brookline. This pre-hearing conference will be held to review matters particular to your filings. Therefore,

A-R Cable Services, Inc./Cablevision Systems  
January 26, 1994  
Page 2

like the public hearing, it is required that a representative of your company be present, who is familiar with the development of your Form 393 data. The pre-hearing conference will be held at the office of the Massachusetts Cable Television Commission (100 Cambridge Street, Room 2003, Boston) and is open to parties to

this proceeding, including the relevant issuing authorities or their authorized representatives.

If you have any questions concerning the pre-hearing conference, the hearing, or the notice requirement, please do not hesitate to contact John D. Molloy at the Commission.

Sincerely,

  
John M. Urban  
Commissioner

cc: Issuing Authorities

**SECOND REVISED NOTICE - NEW HEARING DATE AND  
NEW LOCATION**

**COMMONWEALTH OF MASSACHUSETTS  
COMMUNITY ANTENNA TELEVISION COMMISSION**

**NOTICE OF PUBLIC HEARING ON CABLE TELEVISION RATES**

**A-R CABLE SERVICES, INC./CABLEVISION SYSTEMS**

Pursuant to M.G.L. c. 166A, § 15, and 207 CMR 6.37, the Community Antenna Television Commission will hold a public hearing on Thursday, February 17, 1994, concerning the cable television rates for the basic service tier and associated equipment of A-R Cable Services/Cablevision Systems for the communities of Acton, Bedford, Braintree, Fitchburg, Gardner, Georgetown, Groveland, Haverhill, Hudson, Leominster, Lexington, Lunenburg, Lynnfield, Maynard, Norwood, Peabody, Stow, Sudbury, Templeton, Westminster, and Westwood. The hearing will be held at 2:00 P.M. in The Massachusetts State Racing Commission Hearing Room, 1 Ashburton Place, Room 1313, 13th Floor, Boston. By Order of the Community Antenna Television Commission, John M. Urban, Commissioner.

207 CMR 6.37(3) Notice Requirements for Hearings.

(a) For any public hearing pursuant to 207 CMR 6.37, the cable operator shall give notice by publication.

(b) Any public hearing held pursuant to 207 CMR 6.37 shall require the publishing of notice of the hearing, sufficient to identify its time, place and purpose, in a newspaper of general circulation in the affected city or town once in each of two successive weeks, the first publication being not less than 14 days before the day of any such hearing(s), or, if there is no such newspaper in such city or town, then by posting such notice in a conspicuous place in the city or town hall for a period not less than 14 days before the day of such hearing(s).

(c) The affected cable operator shall cablecast the prescribed notice over its facilities at least twice a week, on separate days, during each of the two weeks preceding the hearing date. Such notice shall be cablecast at times most likely to reach the maximum viewing audience. The log of such cablecasts shall be incorporated in the record of any hearing.

(d) Notice requirements established herein may be supplemented by any other means, including causing such notice, or a concise summary or description thereof, to be broadcast by means of radio or television facilities, at such times, and with such frequency, as the Commission deems appropriate to serve the public interest.

cc: BOS

**ACTON SCHOOL COMMITTEE  
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE  
MEETING**

Library  
R.J. Grey Junior High

February 5, 1994  
8:45 a.m.

**AGENDA**

- I. CALL TO ORDER
- II. BUDGET PRESENTATIONS
- III. ADJOURNMENT

cc: Bas

**ACTON SCHOOL COMMITTEE  
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE  
MEETING**

Library  
R.J. Grey Junior High

February 17, 1994  
7:00 p.m.

**AGENDA**

- I. CALL TO ORDER
- II. BUDGET PRESENTATIONS
- III. ADJOURNMENT



cc: BOS

**ACTON SCHOOL COMMITTEE  
MEETING**

Room #114  
R.J. Grey Junior High

February 3, 1994  
7:00 - 7:45 p.m.

**AGENDA**

- I. CALL TO ORDER
- II. EXECUTIVE SESSION
- III. ADJOURNMENT

cc: BOS

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

February 3, 1994

Library  
Junior High School

7:00 p.m. - Executive Session  
7:45 p.m. - Regional Agenda

**AGENDA**

- I. CALL TO ORDER
- II. EXECUTIVE SESSION
- III. APPROVAL OF MINUTES OF JANUARY 6, 1994 AND STATEMENT OF WARRANT
- IV. CHAIRMAN'S INTRODUCTION
- V. BUDGET PRESENTATIONS
- VI. PUBLIC PARTICIPATION
- VII. OLD BUSINESS
  1. Activities Fees Policy - Second Reading
    - a. Letter from Nancy Tavernier
  2. Fundraising Guidelines Policy - Second Reading
- VIII. NEW BUSINESS
  1. Administration of Prescription Medication Policy - First Reading
  2. Approval of Band Trip
- IX. FOR YOUR INFORMATION
  1. AEA Staff Directory - 1993-94
  2. Monday Memos - High School
  3. School Council Minutes
  4. Grant Awards Update
  5. "City's Challenge of Education" - *Boston Globe* article
  6. *Spectrum*, - January 1994 issue
  7. Comprehensive Health Education Needs Assessment Process
  8. Jan. 25 Memo from Don Johnson
  9. School Object Report
- X. WARRANT DISCUSSION
- XI. CONCERNS OF THE COMMITTEE
- XII. NEXT MEETINGS - February 5 - Budget meeting - regional/local - 8:45 a.m.-1 p.m.  
February 17 - Budget meeting - regional/local - 7 p.m.  
March 3 - Regular Meeting - 7:00 p.m., Executive Session  
7:45 p.m., Regular Session
- XIII. ADJOURNMENT



Citizens'  
Association for the  
Preservation of the  
Environment

FEB - 1

28 January 1994

Board of Selectmen  
Town of Acton  
Town Hall  
Main Street  
Acton, MA 01720

Ladies and Gentlemen:

With regard to my letter of 16 November in which the members of CAPE voiced their support for a change to the Town's hunting bylaw, I have informed the Town Manager's office of our intention to withhold that article until the Special Meeting later this year. This decision is primarily the result of a recent meeting at the Water District with representatives from the Nashoba Sportsman's Club concerning a proposed bylaw that would prohibit hunting on the District's property. The Club members made it clear that any attempt to impose more restrictive regulations would be strongly opposed, and would likely increase the attendance at the District's Annual Meeting by as many as 400 voters. For this reason, the Commissioners elected to reserve that article for a future meeting in order to allow time to provide accommodations for the increased turnout. My decision to delay action on the Town's bylaw reflects my desire to avoid a similar disruption, which could interfere with the more important business of the Annual Meeting.

Sincerely,

Dr. Ronald R. Parenti  
CAPE Chairman  
12 Heritage Road

xc: Don Johnson

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: Feb. 4, 1994

TO: Board of Selectmen  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Warrant Articles

During the Budget Retreat with Department Heads, Cathy Belbin suggested that we could improve our revenues if the Town accepted the provisions of MGL c. 140, s. 147A related to licensing of dogs. I asked Cathy to put her recommendation for an appropriate Warrant Article(s) together for consideration by the Board. The attached material has been prepared in response to my request.

I would ask you to consider this for a potential position on the Warrant. There are some aspects of the law (namely, County involvement/exclusion) that need further research so that we know exactly what we are getting into, but Cathy's recommendation at this time is that we move in this direction.

I will report further when I give you my next comments on the list you received earlier.

cc: Cathy Belbin  
Roy Wetherby

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATIONS

---

January 28, 1994

TO: Don Johnson  
Roy Wetherby  
Board of Selectmen

FROM: Cathy Belbin

Subject: Accept Provision of M.G.L. Chapter 140, Section 147A  
Two Part Article for Annual Town Meeting

Part A. - Accept M.G.L. c. 140, s. 147A

To see if the Town will accept the provisions of M.G.L. c. 140, s. 147A

"Section 147A. By-laws and ordinances relative to regulation of dogs. Any city or town which accepts the provisions of this section is hereby empowered to enact by-laws and ordinances relative to the regulation of dogs. Except as hereinafter provided in clauses (a), (b), and (c), and notwithstanding any contrary provisions of sections one hundred and thirty-seven to one hundred and seventy-four D, inclusive, relating to the regulation of dogs or any special law relating to the regulation of dogs, such by-laws and ordinances may relate to, but not be limited to dog licensing, establishing dog fees, disposition of fees, appointment of dog officers, kennel licensing and regulations, procedures for the investigation of and reimbursement for damage caused by dogs, restraining of dogs and establishing penalties for a breach thereof. No such by-law or ordinance shall be inconsistent with the provisions of this chapter relating to (a) the turning over or sale of animals to any business or institution licensed or registered as a research facility or animal dealer, as provided in section one hundred and fifty-one; (b) the minimum confinement period of dogs as provided in section one hundred and fifty-one A; and (c) the methods of execution, as provided in said section one hundred and fifty-one A. In any city or town which accepts this section, all money received from licenses or recovered as fines under any by-law or ordinance enacted pursuant to the provisions of this section, shall be paid into the treasury of said town or city and shall not thereafter be paid over by the town or city treasurer to the county in which said town or city is located.

Any and all functions relating to the regulation of dogs pursuant to section one hundred and thirty seven to one hundred and seventy-four D, inclusive, which would otherwise be performed by the county, by the county commissioner otherwise, shall not be performed by the county on behalf of any city or town which is not a member of the county dog fund.

Any and all costs which would otherwise be paid out of the county dog fund shall not be paid by the county to any city or town which is not a member of the county dog fund, or to any city or town which accepts this section and such cities and towns shall thereupon be responsible for all costs and expenses relating to the regulation of dogs."

Part B. Change Fee Structure for Dog Licenses

Article Amend Town By-Law Dog Regulations

To determine whether the Town will amend Chapter E (General Public Regulations) Sections E22 of the Town entitled Dog Licenses/Animal Control by deleting the entire Article and replacing it with the following new Chapter E, Sections E

E22. No person shall own or keep a dog, six months or older, within the Town unless a license for such dog is obtained from the Town Clerk. The license period is the time frame between January 1st and the following December 31st inclusive. The fee for such a license shall be as follows:

Male Dog/Female Dog:	\$15.00
Spayed/Neutered Dog:	\$10.00
Kennel-1 (4 dogs or less)	26.00
Kennel-2 (5 to 10 dogs)	51.00
Kennel-3 (over 10 dogs)	76.00

E23. Any person who is the owner or keeper of a dog in the Town of Acton and who fails to license said dog within the time required by Chapter 140, Section 137 and 137A of the General Laws shall be subject to a penalty of twenty-five dollars (\$25.00) to be collected as provided by law.

E24. No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others.

E25. Owners or keepers of animals in violation of the foregoing section shall be subject to fines which shall be determined by the Board of Selectmen.

( Regulations and Licensing Solicitors and Canvassers - Continued )

**E18. Transfer or Revocation of License**

*No license shall be transferred. The Chief of Police may revoke a license for any violation of this Bylaw.*

**E19. Misrepresentation**

*1. No solicitor or canvasser, licensed or exempted from license, may misrepresent, in any manner, the buyer's right to cancel as stipulated by Chapter 93, 93A and 255D of the General Laws.*

*2. No solicitor or canvasser, licensed or exempted for license, may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office, or other establishment with the purpose of making sale of consumer goods or services.*

**E20. Duty of Police to Enforce**

*The Police Officers of the Town of Acton shall enforce this Bylaw.*

**E21. Penalty**

*Any person violating any provision of this Bylaw shall, upon conviction thereof, be punished by a fine not to exceed fifty dollars (\$50.00) for each and every offense. Each day on which a person solicits without a license shall constitute a separate offense.*

**E22. through E25. Dog Licenses/Animal Control Bylaw**

**E22.** *The fee for a dog license shall be one dollar (\$1.00) over the amount specified by General Laws, Chapter 140, section 139 payable to the Town of Acton.*

**E23.** *Any person who is the owner or keeper of a dog in the Town of Acton and who fails to license said dog within the time required by Chapter 140, Section 137 and 137A of the General Laws shall be subject to a penalty of twenty-five dollars (\$25.00) to be collected as provided by law.*

**E24.** *No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others.*

**E25.** *Owners or keepers of animals in violation of the foregoing section shall be subject to fines which shall be determined by the Board of Selectmen.*

**E26. through E33. Use of Tobacco and Smoking Products**

**E26. Authority**

*The Town of Acton acting under Chapter 40, Section 21, adopts the following bylaw to protect the public health of the Town.*

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATIONS

February 2, 1994

TO: DON JOHNSON  
ROY WETHERBY  
BOARD OF SELECTMEN

FROM: CATHY BELBIN, TOWN CLERK

RE: DOG LICENSES

In regards to my previous memo to accept the Provisions of M.G.L., Chapter 140, S. 147A, I have checked with other Town Clerks and find that we do not have to stay with the County in regards to dog licenses. At the present time, we are receiving our dog licenses and tags from Middlesex County.

After checking prices, I find it would be advantageous for us to order our own supplies. We could order from L.H.S., 1600 licenses at a cost of \$167.00 or \$10.13 per hundred. Tags cost about \$10.00. We could order one or two years supplies in licenses.

In 1993, we took in a total of \$9407.50. Of this amount, \$6417.50 went to the County and we had \$2990.00 in fees. As of February 2, 1994, we have taken in a total of \$8,884.00. Of this amount, \$6073.00 went to the County and we had \$2811.00 in fees.

If we order our own licenses, the money that we take in on dogs licenses would go into the general fund of the town.

If this article will go on the Annual Town Meeting of 1994, we could set this up so that it will go in effect in 1995.





3 Dundee Park  
Andover, Massachusetts 01810  
Tel. (508) 475-6777 / Fax (508) 470-2948

## DOG AND CAT TAG PRICE LIST 1994

\*PRICE PER 100

COLORED ALUMINUM

QUANTITY	* ON WIRE STRIP <input type="checkbox"/>	* POLY STRIP PACK <input type="checkbox"/>
<input type="checkbox"/> 3000-10000+	\$7.53	\$10.69
<input type="checkbox"/> 1000-2999	\$8.37	\$11.87
<input type="checkbox"/> 900	\$8.80	\$12.30
<input type="checkbox"/> 800	\$9.31	\$12.81
<input type="checkbox"/> 700	\$10.00	\$13.49
<input type="checkbox"/> 600	\$10.89	\$14.39
<input type="checkbox"/> 500	\$12.15	\$15.65
<input type="checkbox"/> 400	\$12.15	\$16.52
<input type="checkbox"/> 300	\$12.15	\$17.97

*\*Price Includes stamping and links. \*\*Black Lettering & Numbers - Add \$4.50 per hundred*

LHS USE ONLY

ORDER NO:

## DOG AND CAT TAG ORDER FORM

REGULAR  
TAG QTY.

#

STYLE NO.

SEE BACK

UNNUMBERED  
TAG QTY.

COLOR

ORANGE ☐

GOLD ☐

PURPLE ☐

SILVER ☐

RED ☐

GREEN ☐

BLUE ☐

LETTERING

PLAIN ☐

BLACK ☐ \*\*

LINK TYPE

O RING ☐

S HOOK ☐

PACKAGING

WIRE STRIP ☐

POLY STRIP PACK ☐

### KENNEL TAGS

QTY.  #  to

QTY.  #  to

QTY.  #  to

QTY.  #  to

TOTAL QTY. ORDERED

SHIP TO:

NAME

TOWN/CITY OF  TEL. # (  )

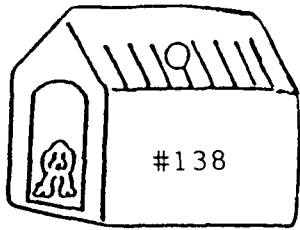
STREET

CITY  STATE  ZIP

ALLOW 4-6 WEEKS FOR DELIVERY

TAG TO READ  
1994

SHIPPING & HANDLING ADDITIONAL

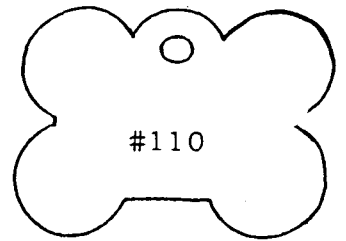


DOG HOUSE

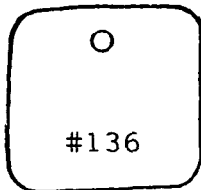
## DOG LICENSE TAGS

ILLUSTRATED ACTUAL SIZE

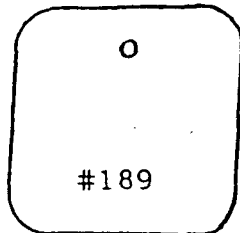
*\*RECOMMENDED FOR CATS*



SM. BONE



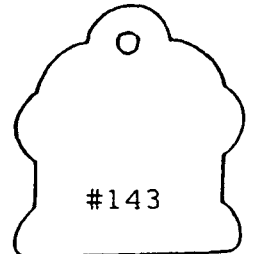
\*1" SQUARE



1 1/8" SQUARE



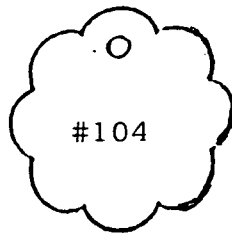
\*SM. FIREPLUG



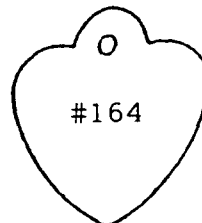
FIREPLUG



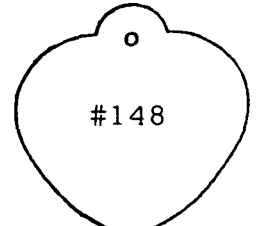
\*1" ROSETTE



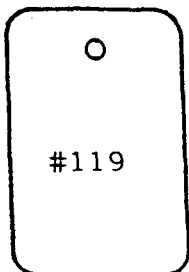
1 1/4" SQUARE



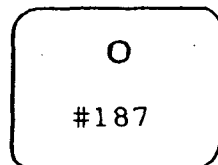
\*SM. HEART



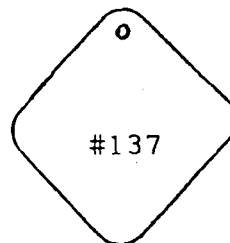
HEART



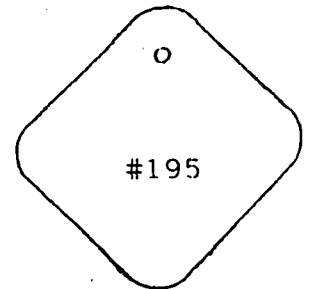
RECTANGLE



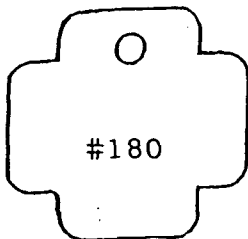
\*SM. RECTANGLE



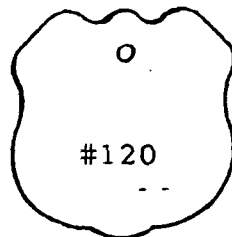
\*7/8" DIAMOND



1 1/8" DIAMOND



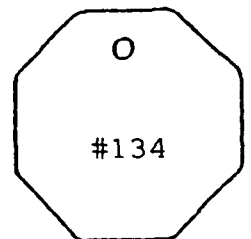
CROSS



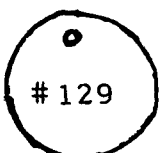
SHIELD



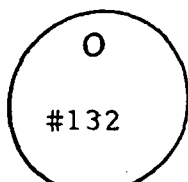
BELL



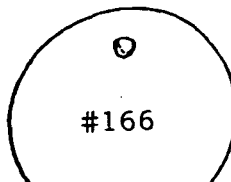
OCTAGON



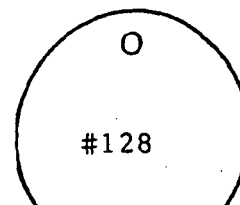
\*3/4" ROUND



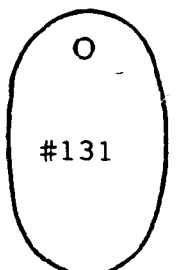
7/8" ROUND



1 1/8" ROUND



1 1/4" ROUND



OVAL

FEB - 4 1994

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATIONS

DATE: February 4, 1994

TO: Board of Selectmen ✓

FROM: Cathy Belbin, Town Clerk CB

cc: BOS !!

Attached please find copy of the Campaign Finance Report from the Community Communication Committee along with a copy of a check that was received in the Town Clerk's office in the amount of \$1,180.18 as a gift to the Town of Acton.

They had \$2,360.36 left in their account from the Proposition 2 1/2 question committee and have split the amount between the schools and the town.

I have given the check to Roy Wetherby 2/4/94.

THIS BOX IS  
FOR USE BY A  
BALLOT QUESTION  
COMMITTEE ONLY  
(CHECK ONE)

- ☐ Initial Report  
☐ 30th day following election  
☐ 5th of month  
☐ Dissolution

The Commonwealth of Massachusetts  
 OFFICE OF DIRECTOR OF CAMPAIGN AND POLITICAL FINANCE  
**CAMPAIGN  
 FINANCE  
 REPORT**



**MUNICIPAL**

(CHECK ONE)

- ☐ 8th day preceding primary  
☒ 8th day preceding election  
☐ 30th day following election  
 (Town only) or (Special)  
☒ 10th day of January  
☐ Dissolution

File with City or Town Clerk or Election Commission

Read instructions on Page 4 before completing this form.

Candidates with NO ACTIVITY to report: Follow instructions for Category #1 or #4 as applicable on Page 4.

BOX A	BOX B
Full Name of Candidate	Name of Committee <i>Community Communications Comm. H&amp;E</i>
Office Sought	Name of Committee Treasurer <i>Susan Appel</i>
Residential Address	Mailing Address <i>35 Montague Rd</i>
City or Town	City or Town <i>Acron MA</i>
Zip	Zip <i>01720</i>
<p><b>Fill in Dates:</b></p> <p>Reporting Period Beginning <i>July 9</i> 19<i>93</i> and Ending <i>Feb 4</i> 19<i>94</i></p>	

**OFFICE USE ONLY**

- |   |                               |                |            |
|---|-------------------------------|----------------|------------|
| 1. Ending balance from last previous report .....                     | \$                            | <i>2294</i>    | <i>75</i>  |
| 2. Total receipts (from Page 2, Summary All Receipts) .....           | +                             | <i>85</i>      | <i>71</i>  |
| 3. Subtotal. Line 1 plus Line 2 .....                                 | =                             | \$ <i>2360</i> | <i>36</i>  |
| 4. Total expenditures (from Page 3, Summary All Expenditures) ...     | -                             | <i>---</i>     | <i>---</i> |
| 5. Ending balance. Line 3 minus Line 4 .....                          | =                             | \$ <i>2360</i> | <i>36</i>  |
|   |                               |                |            |
| 6. Total "In Kind" contributions (Sched. C). Do NOT include on Line 2 | \$                            | <i>---</i>     |            |
| 7. Total liabilities (from Schedule D). Do NOT include on Line 4      | \$                            | <i>---</i>     |            |
| 8. Name of bank(s) used:  | <i>Middlesex Savings Bank</i> |                |            |

CERTIFICATION BOX C	BOX D CERTIFICATION
<p>I certify that the within report including attached schedules is a true statement of all receipts, expenditures, disbursements, loans and liabilities for the above reporting period of every officer and other person acting under authority or in behalf of said Committee or Candidate in accordance with the requirements of General Laws, Chapter 55, as amended.</p>	
Signed under the penalties of perjury	Signed under the penalties of perjury
<div style="display: flex; justify-content: space-between;"> <span>CANDIDATE SIGNATURE</span> <span>Date</span> </div>	<div style="display: flex; justify-content: space-between;"> <span>TREASURER SIGNATURE</span> <span>Date</span> </div>

**AFFIDAVIT. Read before signing.** For use only by a candidate who has **not** received contributions, incurred liabilities, or made expenditures on his/her own behalf. Sign Box E (candidate with no committee) or Box F (candidate who has a committee), as appropriate.

**BOX E**  
Affidavit of Category 1 Candidate

I certify that I have not received any contributions, made any expenditures or incurred any obligations during this reporting period.

I do not have a political committee.

Signed under the penalties of perjury

Candidate Signature
Date

**BOX F**  
Affidavit of Category 4 Candidate

I certify that I have not received any contributions, made any expenditures or incurred any obligations during this reporting period.

All campaign finances were handled by my committee. I have examined the committee report as stated on this form and to the best of my knowledge and belief it is true, correct and complete.

Signed under the penalties of perjury

Candidate Signature
Date

25 763-54321

RICHARD J. PARECE COMPANY



**Middlesex Savings Bank**

ACTON OFFICE

53-7122  
2113

~~COMMUNITY COMMUNICATION COMM.~~

~~FEB 04~~ 1974

PAY \*\*\*\*\*\$1,180 DOLLARS AND 18 CENTS

TO THE  
ORDER  
OF

\*GIFT TO TOWN OF ACTON\*\*\*\*\*

\$\*\*\*\*\*\$1,180.18



**Middlesex Savings Bank**

NATICK, MA 01760

*Carley A. Kreschen*  
AUTHORIZED SIGNATURE

⑈ 1137295⑈ ⑆ 211371227⑆ 810800001⑈

COMMUNITY COMMUNICATION COMMITTEE  
ACTON, MA 01720

247

PAY TO THE  
ORDER OF

*Pish*

19 *9-1* 53-1122/213

\$ *2360.00*



**ACCOUNT  
CLOSED**

MEMO  
223415852# 0247



**Middlesex Savings Bank**  
ACTON OFFICE

1137297

COMMUNITY COMMUNICATION COMM.

FEB 04 1994

PAY \*\*\*\*\*\$590 DOLLARS AND 09 CENTS

TO THE ORDER OF GIFT TO ACTON/BOXBORO REGIONAL SCHOOL\*\*\*\*\*

\$\*\*\*\*\*\$590.09



*Carey A. Brosche*  
AUTHORIZED SIGNATURE

1137297# 123415852# 810800001#



**Middlesex Savings Bank**  
ACTON OFFICE

1137296

COMMUNITY COMMUNICATION COMM.

FEB 04 1994

PAY \*\*\*\*\*\$590 DOLLARS AND 09 CENTS

TO THE ORDER OF GIFT TO ACTON PUBLIC SCHOOL\*\*\*\*

\$\*\*\*\*\*\$590.09



*Carey A. Brosche*  
AUTHORIZED SIGNATURE

1137296# 123415852# 810800001#



**Middlesex Savings Bank**  
ACTON OFFICE

1137295

COMMUNITY COMMUNICATION COMM.

FEB 04 1994

PAY \*\*\*\*\*\$1,180 DOLLARS AND 18 CENTS

TO THE ORDER OF GIFT TO TOWN OF ACTON\*\*\*\*\*

\$\*\*\*\*\*\$1180.18



*Carey A. Brosche*  
AUTHORIZED SIGNATURE

1137295# 123415852# 810800001#

1137-297  
RICHARD J. PARECE COMPANY

1137-296  
RICHARD J. PARECE COMPANY

1137-295  
RICHARD J. PARECE COMPANY

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: Feb. 4, 1994

TO: Isa Zimmerman, Superintendent of Schools  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Serendipity Child Development Center, Inc.

I am in receipt of your letter to Bobbie Callaway, dated February 1. A copy is being forwarded to the Selectmen, per your indication but we are not sure of the message you wish to impart. Are we missing a piece of the correspondence?

A handwritten signature in cursive script, appearing to read "Don", is positioned below the typed text. The signature is written in dark ink and is somewhat stylized.



ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

16 Charter Road • Acton, MA 01720-2995 • (508) 264-4700 • FAX (508) 263-8409 Zimmerman @ 1.mec.mass.edu

Isa Kaftal Zimmerman  
Superintendent of Schools

February 1, 1994

Bobbie Callaway  
Serendipity Child Development Center, Inc.  
15 Charter Road  
Acton, MA 01720

Dear Bobbie:


Thank you for your cooperative response to our December letters.

We are pleased to have had you as tenants for 13 years to hold on to our building until we are now ready and needful of taking it back.

We will certainly respond to your request, since we would like to be able to refurbish the Merriam building starting July 1, by sending a copy of the reply to the Acton Selectmen and Town Administrator.

We wish you a speedy and uncomplicated transition and a cooperative relationship with the Acton Building Inspector, Gary Rhodes. We certainly hope to maintain a relationship with you in the future since we all serve many of the same community members.

Sincerely,

  
Isa Kaftal Zimmerman

IKZ/bl

c: Mark Scheier  
Roy Smith  
Gary Rhodes  
Don Johnson, for the Selectmen ✓  
Bill Ryan  
Steve Desy  
Arthur Berry  
Bev Young



INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: 2/4/94

TO: Board of Selectmen

FROM: Christine Joyce, Town Manager's Office

SUBJECT: 1993 Annual Town Report

Attached please find Chairman Hunter's draft Board of Selectmen's Message for the 1993 Annual Town Report. He has asked that you provide any comments you may have to him this weekend.



FAX TRANSMISSION COVER SHEET

DATE: 2/4/94

PLEASE DELIVER THE ATTACHED TO:

NAME: DORE' HUNTER

FIRM: F&H

FAX NO: \_\_\_\_\_

THIS MESSAGE IS BEING SENT FROM:

NAME: DON JOHNSON

FIRM: TOWN OF ACTON

DEPARTMENT: \_\_\_\_\_

FAX NO: 508-264-9630

WE ARE TRANSMITTING 4 PAGES, INCLUDING THIS COVER SHEET

MESSAGE: BRIEF NOTATIONS w/ ITEMS YOU REQUESTED.

*Don*

## BOARD OF SELECTMEN

The 1993 municipal year involved change, adjustment, diminished resources and lowered expectations. It was a year in which two Proposition 2½ override elections were lost and the basic relationship between municipal governance and the school administrations was fundamentally altered by new legislation. As a result the Selectmen had to make many difficult decisions allocating scarce resources and spent much of the year focused on efforts to try and maintain existing service levels.

At the annual Town election incumbents Nancy Tavernier and Doré Hunter were returned unopposed to the Board for additional terms. The lack of any election challenges to the incumbents may have, at least in part, occurred because the Board of Selectmen is functioning in an increasingly difficult environment, one in which it must be more focused on decisions between cutting and maintaining services, rather than being able to pursue additional or improved services for the citizenry. It is also a time in which the serving Selectmen hear many more critical comments. When the Board reorganized after the annual Town Meeting, Doré Hunter was elected Chairman, Anne Fanton became the Vice Chairman and Bill Mullin assumed the duties of Clerk.

bite  
A combined Town-School general Proposition 2½ override question was placed on the annual Town election ballot by the Board of Selectmen, and a favorable vote recommended. That occurred after a long debate between School representatives, Finance Committee members, and the Selectmen through the Coordinating Committee process. In the Selectmen's opinion the municipal portion of the proposed override reflected funding for an appropriate level of municipal services. The electorate did not agree, and voted to disapprove the proposed tax increase. Accordingly the Board of Selectmen presented their "B" budget request at Town Meeting in exactly the form that it had been advertised before the election, and stated its intention to carry out the voters' will in regard to the resultant municipal services. However, a grass roots citizens movement emerged and successfully offered contingent school and Town budget warrant articles at the annual Town Meeting seeking a second special election to approve a lower level Proposition 2½ override. The Board of Selectmen, although concerned about the political effect of an attempt to get a "second bite at the apple", took guidance from the Town Meeting vote and called the requested special election. That election resulted in a second rejection of a Proposition 2½ general override. Accordingly the Board of Selectmen went forward with its "B" budget exactly as had been approved by Town Meeting.

During the summer the Great and General Court and the Governor approved an Education Reform Act. Although that wide ranging legislation addresses many educational matters, it also had and has an enormous impact on municipal finance. Implementation of the Act brought into play a complicated and unrealistic formula which requires communities to increase school spending by some amount in

excess of 2½% each year in order to qualify for increased state aid. Although Acton has historically been one of the top communities in the Commonwealth in regard to the proportion of municipal revenues devoted to education, and co-relatively one of the lowest in proportion of revenues available for municipal government, it was determined that additional monies would have to be provided the school systems supported by the Town during the current budget year, and then again in each future year. Provision of such additional funding from property tax sources, of course, has and will have the effect of decreasing the funding available to municipal government, within the constraints of Proposition 2½.

Initially the school administration and state officials advised the Board of Selectmen that the anticipated retroactive Education Reform Act levy on municipal funds during the 1993-1994 fiscal year would approximate one million dollars, about one-tenth of the entire municipal budget. Faced with such a threat the Board of Selectmen immediately ordered a hiring freeze and curtailed that portion of the police and fire protection that depended on budgeted overtime payments, hoping to accumulate some funds through reduced spending with which to offset the sweeping reductions such an assessment would entail, if a waiver could not be obtained. Fortunately through accounting clarifications and negotiations the Town Manager was, by years end, able to radically reduce the pending FY 1994 retroactive Education Reform Act levy on the Town.

The largest factor in the reduction of the levy was the fact that the Town Meeting and Regional School Committee had each previously voted to defer prior year's teachers summer pay at the urging of the Board of Selectmen - controversial decisions at the time which now paid unexpected dividends in form of retention of municipal services. Ultimately the question of a waiver of the retroactive levy waiver depended on the schools willingness to rescind activity fees that had been instituted to avoid "B" budget cutbacks after the lost override votes, the School Committees determined they could not afford to do so. At the end of 1993 it was anticipated that the retroactive levy for 1993-1994 can be covered by appropriating the existing free cash account to the benefit of the schools at the annual Town Meeting in April 1994.

While the immediate impact of the Education Reform Act related to the retroactive levy potential, the long term and more important effects of the Act on municipal finance became apparent as the Board of Selectmen began preparation of a budget for the 1994-1995 fiscal year. Proposition 2½ allowed Town funding each year will now depend on what is left over after the Education Reform Act formula mandating minimum year to year increases in local school spending have been met, and that formula seems designed to force the school spending to rise at a rate faster than the Proposition 2½ allowed property tax increases. The Act's formula effectively ended the partnership approach that the school and Town administrations had pursued for a number of years through the Coordinating Committee. Bi-weekly early Monday morning meetings continue between the same school and Town representatives, but the

activity now involves keeping each other advised of recent and pending individual board activities and decisions, rather than coordinating those activities. These continuing meetings have accordingly been re-named as the Municipal Forum.

In late 1993 the Board of Selectmen, after the required annual tax classification hearing, which involved presentations of many points of view by the Finance Committee, residents, and the Acton Area Chamber of Commerce, continued the practice of a split tax rate and returned the 2½% to the business rate that had been shifted to the residential rate in 1992.

The dedicated professional Town staff has continued to serve the Town well during this difficult year. The Board of Selectmen most often interacts with the staff in the Town Manager's office, Don Johnson, John Murray and Christine Joyce, but behind those effective three in the "front office" there is a corps of ~~\*1\*~~ 199 other Town employees whose faithful and tireless service makes Acton the Town that it is. The Board of Selectmen hope in their budget decisions to preserve that excellent staff. The significant changes in that staff this year include Mary Larson's departure after 26 years as Town Accountant. As part of a reorganization to replace Mary, Sharon (Tess) Summers was hired as Assistance Finance Director/Accounting Division. Stewart Kennedy retired after 30 years service to the Town as the Superintendent of Cemeteries. Catherine Blebin was promoted to Town Clerk. Brian McMullin replaced Lela Rhodes as Assistant Assessor. Lucy Saia left as Administrator/Supervisor of the Nursing Service and Mary Ellen Mayo was hired to replace her.

ASSISTANT

In addition to the professional staff, the Town also continues to receive effective and loyal service from over ~~\*2\*~~ 145 volunteers who serve on what seems like an endless list of boards and committees, discharging many important municipal services. Without the many, many hours of time that those volunteers donate to the Town the quality of life in Acton would be far inferior to what it is today. The Board of Selectmen expresses its appreciation to all those who have volunteered to serve the Town, and encourages all citizens to participate in your local government.

F. Doré Hunter, Chair  
Anne Fanton, Vice-Chair  
William Mullin, Clerk  
Nancy Tavernier  
Norman Lake

SUCCEEDING  
CONNIE HUBER.

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: Feb. 4, 1994

TO: Board of Selectmen  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Draft Press Release

Enclosed is the draft press release announcing that the Board does not plan to offer an Override Question in March. Please contact the Manager's Office with any recommended changes Monday morning. We hope to send the release to the Beacon Monday afternoon.



2/4/94

DRAFT PRESS RELEASE

The Acton Board of Selectmen wishes to inform town voters that they will not offer an Override Question on the ballot for the Annual Town Election in March. In response to concerns expressed during the Annual Town Meeting last Spring, the Board expects to present warrant articles to the Town Meeting this year that will offer voters an opportunity to indicate whether they wish to fund services through Proposition 2 1/2 Overrides. Any appropriate Override Question(s) would be presented to the voters at a Special Election, held within 45 days of the Annual Town Meeting. The format and content of the articles or potential Override Questions has not been determined at this time.

The Selectmen encourage all Registered Voters to participate in the Annual Town Meeting. Decisions made by the Town Meeting will help determine whether Acton voters will be asked to Override Proposition 2 1/2 this year.

EXTRA INFO. 2/15/94

## MEMORANDUM

7 February 1994

From: FDH

To: Town Manager

Subject: Initial thoughts on FY95 Budget & Warrants

1. I absolutely support the idea of including the existing staff salaries within a "Base B Budget" so labeled. I believe it imperative to protect the existing staff members positions as long as we can, things can be replaced much more rapidly and effectively than a dedicated and effective staff can be rebuilt.
2. I will take the position in regard to the Footnotes Nos. 1-3 questions as to inclusion-exclusion that the marked police cruisers should be included in the Base B Budget, they are tools which must be kept up to date to be able to retain an effective police patrol presence and should be shown in police expenses. The other two items I would put in the additional list of warrant articles, bonding costs for the fire ladder truck are clearly the sort of thing that would be separately shown any other year and so should be this year. We do hope to move to a situation where we don't have a big revaluation "blip" every three years, but we are not there yet, so I believe that should be shown separately at this point, when we are able to "smooth out" the reval expenses between years I will feel differently.
3. Inasmuch as the Manager and Department Heads have spent so much time on the priorities of the additional list this year I am trying to give the order of the listing great deference.
4. After listening to what the schools are willing to ask the citizens to fund in the way of additional salaries, I am beginning to lean toward offering the citizens a general override question in regard to the municipal new salary items listed, less the Fire Prevention Officer. That would be the additional Memorial Library FTE, the additional Memorial Library Friday hours and additional labor, the Planning additional labor and Engineering summer help, totaling \$107,654, or very roughly 1% of the Base B Budget. Given the current staffing of the Fire Department I am opposed to proposing any additional staff there, if a Prevention Officer function is needed I would hope to hear some proposal as to how the present day shift personnel could be utilized between alarms and ambulance calls. If a municipal general override is suggested and approved by Town Meeting, I would want it to be separate for any general override question proposed for the schools.
5. I am thinking in terms of presenting to Town Meeting for its potential approval the additional listed items down through the



highway paving program, with some exceptions. As I have already indicated I would like to hear how the paving request could logically be subdivided, if in fact it can be. I am loath to move forward on either the police or accountant computer purchases while seeking approval of a general computer study. It seems to me we should either push the study, or admit we are being forced to move in a fragmentary manner and seek the two systems mentioned, not both. I would strike the South Acton fire station exhaust from the shortened list, retaining the exhaust system for West Acton. The fire station exhaust issue has been around and not on the priority list for long enough to suggest that this year we only need to try and handle one station, and South Acton has been the station most often closed when things really get tight. I would strike the new cemetery service garage unless I hear some description as to just what is proposed (is this different than the building proposed last time?) and some justification in regard to its urgency.

6. I continue to be apprehensive in regard to the idea of returning to Town Meeting re the fire command vehicle. Although the proposal to now seek incremental funding for a four wheel drive vehicle has substantive merit, I believe it is politically dangerous, it is not following what we said we would do last year, which was implement the B Budget and live with it, and that included a non-four wheel drive vehicle replacement here. Also it brings into question the urgency of the replacement of that vehicle, if the department is now willing to wait more than six months past the end of the fall spending freeze to get the vehicle. I want to discuss this further.

7. There are several other vehicle replacement requests. It would be helpful to see a list of the whole town vehicle fleet with acquisition dates and rough mileage numbers, we need to be able to see how much of the fleet we are discussing here.

  
DORE HUNTER

Copy to: Board of Selectmen

EXTRA INFO. 2/15/94

## MEMORANDUM

14 February 1994

From: Chairman, BOS

To: Board of Selectmen

Subject: Order of Town Meeting Budget/Capital Articles

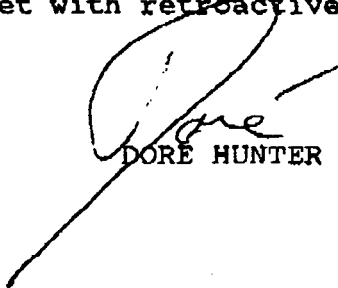
1. I am of the opinion that the Budget and Capital Articles should be listed on the Annual Town Meeting Warrant, following the usual introductory Articles and the Enterprise Fund Articles, in the following order:

- I. Article to fund FY 1994 retroactive levy imposed on the Town by Ed. Reform Act to provide FY 1994 additional funding to Minuteman Regional School, to be funded from free cash balance. [If no retroactive levy is actually required we will, of course, pass over this Article.]
- II. Article to fund FY 1994 retroactive levy imposed on the Town by Ed. Reform Act to provide FY 1994 additional funding to Acton-Boxborough Regional Schools, to be funded from free cash balance. [Currently estimated to cost the Town \$31,422.]
- III. Article to fund FY 1994 retroactive levy imposed on the Town by Ed. Reform Act to provide FY 1994 additional funding to Acton Public Schools, to be funded from free cash balance. [Currently estimated to cost the Town \$48,562.]
- IV. Article for Town FY 1995 Base B Budget, i.e. non-override budget within limits of "left over taxing capacity" after Schools B Budget Ed Reform mandatory spending levels are subtracted from available non-override revenue.
- V. Contingent Article for any Town salary requests above the limits of "left over taxing capacity", i.e. a Town general override request, if any.
- VI. Contingent Articles for Town debt/capital exclusion override requests.
- VII. Article for Minuteman Regional Schools FY 1995 Budget assessment.
- VIII. Article for Acton-Boxborough Regional Schools FY 1995 B Budget assessment. [Currently

projected at \$678,728 or 3.6% above FY 1994 budget as adjusted upwards by Ed. Reform, 6.86% above FY 1994 budget as originally passed at 1993 Town Meeting, but does not require an override.)

IX. Article for Acton Public Schools FY 1995 B Budget.

X. Contingent Article for Acton Public Schools FY 1995 A Budget increment, i.e. the Public School general override request. [Currently projected at \$522,272, 10.2% above original FY 1994 budget, 9.6% above FY 1994 budget with retroactive levy.]



DORE HUNTER

Copy to: Town Manager

Extra  
INFO

## MEMORANDUM

15 February 1994

From: F. Doré Hunter

To: Board of Selectmen

Subject: Proposed Warrant Article to Amend Local Historic District  
By-Law - HDC Version of Amendments, partial dissent from

---

1. You will, of course, recall that I have proposed some amendments to the Historic District By-Law to clarify it, and hopefully help to avoid future problems such as recently arose with the Congregational Church. The Historic District Commission expressed a willingness to sponsor the amendments generally and hold the required preliminary hearing. I agreed to ask this Board to allow the HDC to do that and the Board agreed. I spoke to the HDC and they wished to change the proposed amendments to some degree. Since I did not feel my language was necessarily the only possible way to achieve the objective I told them what my preferences were and reserved the right to oppose such wording as they might finally settle upon. Throughout it should be recalled that the philosophy in the Historic Districts was to regulate to the minimum necessary to avoid building structural changes that could not later be reversed, not to create general landscape preferences by Commission regulation.

2. Attached to this Memorandum is the version of the amendments that the HDC proposes. I am in agreement with these proposed amendments, with one major reservation. I do not agree that the HDC should be given jurisdiction over all parking on pavement that occurs in a Historic District, and I am afraid that these amendments would do that, given their deletion of my proposed exclusion of public ways and their alteration of my proposed addition to their jurisdiction to cover any "paved parking area".

3. The HDC has deleted that portion of my proposed amendment to exclude from their jurisdiction "public ways", which of course are under the BOS jurisdiction and control. Their expressed problem with that was that the public way is often wider than the paved surface and includes areas in front lawns, etc. that might contain objects to which they would object. Probably the unexpressed sentiment is that the HDC wishes to control the public ways in Historic Districts, you will recall that the HDC claimed to have jurisdiction over the sidewalk/parking in front of the Memorial Library when we moved to get the sidewalk out from under the cars parking there. I had suggested that the public ways exclusion might be narrowed to only include the paved portion of the public ways to meet their expressed concern, but the HDC has not adopted that language and struck any reference to public ways not being under their jurisdiction from the proposed amendments. As a member

of the Historic District Study Commission it was never my understanding that the HDC would control public ways, given the grade level exclusion, and I am not now willing to extend their jurisdiction to such. This would probably not be of concern, since their language would leave the By-Law silent on public ways, were it not for their insisting on changing one word concerning the language proposed to be added expanding their jurisdiction to cover some parking.

4. You will recall that creation of a new parking lot was at issue with the Congregational Church, and HDC was unhappy with our moving the sidewalk out from under the 3-4 cars that park in front of the Memorial Library. On that occasion the HDC, at the last moment took the position that essentially cars shouldn't park in Historic Districts where they can be seen. During the church dispute the HDC referred to a court decision in another community where a judge ruled that, although he would have reached a different result, an HDC had a sufficient basis to determine that the grade level exclusion language copied in our By-Law did not reach a proposed 67 car parking lot as it was not sufficiently like a driveway or sidewalk. I am willing to extend the HDC's jurisdiction to encompass paved parking lots, since I believe the common understanding of that term does not encompass public ways or minor parking areas on private property, and such would give the HDC additional jurisdiction to oversee large, multi-car, paved parking surfaces on private property, or even large scale municipal parking, such as that behind Town Hall. However, their change to "paved parking area" would, in my view expand the HDC control over provision of a single on street parking space or a single parking place on private property beside a driveway. An expansive reading of the phrase could even be stretched to possibly cover a driveway that ended in a non-garage parking place or a driveway which was regularly used to park cars as opposed as being solely used as a travel way to a garage.

5. In the circumstances I believe it best to STRIKE OUT that part of the proposed amendment that would change the Section 2. DEFINITIONS and leave the Section 9.1.2 EXCLUSIONS as it currently is in the By-Law and simply litigate any ambiguity in the future, rather than run the risk of so enlarging the HDC jurisdiction over something that has nothing to do with the appearance of historic buildings.

6. The other changes with which the HDC agrees, the addition of new Sections 7.14 and 8.6 and the amendment to Section 9.3 to make it clear that informal consultations are appropriate and also to make it clear that ultimately the Board of Health controls septic


systems, should go forward, in my opinion.



DORÉ HUNTER

Copy to: Town Manager  
Ann Forbes

INTERDEPARTMENTAL COMMUNICATION

TO: Don Johnson  
FROM: Anne Forbes, Historic District Commission   
SUBJECT: HDC Bylaw Warrant Articles for Town Meeting  
DATE: 2/9/94

Attached is the wording proposed for the Town Warrant by the Historic District Commission. When the Warrant Articles go to Town Counsel for review, we would especially like him to take a look at the implications of the wording of Section 9.1.2. We are not sure whether the use of the word "features" has an implication that is different than "structures", or whether any conflict has been created between the wording of this section and that of the STRUCTURES definition by ~~the use of~~ this change.

FEB 14 1994

Town of Acton

Historic District Commission

472 Main Street

Acton, MA 01720

**ARTICLES FOR 1994 ANNUAL TOWN MEETING**

February 7, 1994

**AMENDMENTS TO CHAPTER P: LOCAL HISTORIC DISTRICT BYLAW**

Public Hearing: March 21, 1994  
(Advertised: February 24, 1994)

**ARTICLE \_\_\_\_: AMENDMENTS TO CHAPTER P: LOCAL HISTORIC DISTRICT BYLAW (2/3 vote required)**

To see if the Town of Acton will vote to amend the Local Historic District Bylaw as follows:

**Section 2. DEFINITIONS.** Delete definition of STRUCTURE. Replace with the following new definition:

STRUCTURE: a combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk, driveway, or paved parking area.

**Section 7. PROCEDURES FOR REVIEW OF APPLICATIONS.** Add new Section 7.14:

Nothing contained in this Bylaw shall be deemed to preclude any person contemplating construction or alteration of a BUILDING or STRUCTURE within a DISTRICT from consulting informally with the COMMISSION before submitting an application referred to in this Bylaw on any matter which might possibly be within the scope of the Bylaw. Nothing contained in this Bylaw shall be deemed to preclude the COMMISSION from offering informal advice to a potential applicant prior to receiving an application. However, any such preliminary advice offered by the COMMISSION shall not be deemed to set a precedent nor in any way limit the COMMISSION in the exercise of its functions under this BYLAW.



**Section 8. CRITERIA FOR DETERMINATIONS.** Amend Section 8 as follows:

Add new Section 8.6:

"The COMMISSION may impose requirements for the screening and location of above-ground features of septic systems. Such requirements shall not conflict with the requirements of the Acton Board of Health."

**Section 9. EXCLUSIONS.**

Replace Section 9.1.2 with the following:

Terraces, walks, driveways, sidewalks, and other similar features, provided only that such feature is substantially at the existing grade level.

Amend Section 9.3 as follows:

After "unsafe" insert ", unhealthful," .

or take any other action relative thereto.

**SUMMARY**

This article, if adopted, will clarify some of the wording in the Acton Historic District Bylaw which presently comes verbatim from the state enabling legislation, MGL Chapter 40C. The new wording proposed for Section 2: DEFINITIONS and Section 9.1.2 of the EXCLUSIONS more closely matches common site features found within the town of Acton. The proposed additions to Section 8 and Section 9.3 are a response to the updated technology and more stringent regulations for septic systems that have appeared since Chapter 40C was written. The new Section 7.14 should make it clear to readers of the Bylaw that informal, preliminary discussion with the Commission is useful, and in fact, encouraged in conjunction with the application process outlined under the Bylaw.

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: Feb. 14, 1994

TO: Board of Selectmen  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Comparison of Towns

In reviewing file materials I happened across this information from a conference in Lexington 2 years ago. These are not the types of statistical data that change rapidly so they should still be adequate for comparative purposes.

The real import is that these numbers lend credence to our longtime claim that we do more with less. Note the significant difference in the number of citizens per FTE employee in Acton vs. Concord, for instance. Their ratio represents nearly 60% more municipal employees per capita than ours.

A handwritten signature in dark ink, appearing to be "Don P. Johnson", is written below the text of the letter.

**TOWN OF LEXINGTON  
COMPARISON OF TOWNS BY  
FULL TIME EQUIVILENT EMPLOYEES PER CAPITA**

<b>AAA Bond</b>	<b>Town</b>	<b>Number of Employees</b>	<b>Population</b>	<b># Citizens / FTE Employees</b>
	ACTON	164	17,680	108
*	LEXINGTON #	284	29,667	105
	ARLINGTON + #	426	43,810	103
	MILTON	261	25,794	99
*	WINCHESTER #	229	20,858	91
	BURLINGTON	267	22,662	85
*	NEWTON #	1044	83,302	80
*	BELMONT ##	347	26,450	76
	DANVERS ##	320	24,240	76
*	WESTON	139	10,600	76
	NEEDHAM #	400	28,730	72
	ANDOVER #	375	27,154	72
*	CONCORD ##	228	15,662	69
*	WELLESLEY ##	413	27,209	66

**## Includes municipal light plant and water & sewer**

**+ Includes refuse collection**

**# Includes water & sewer operations**

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION

DATE: February 9, 1994

TO: Don P. Johnson, Town Manager  
FROM: Garry A. Rhodes, Building Commissioner *YAC*  
SUBJECT: Under-Appropriated, Self-Funding Program

As you are aware, we have been using a self-funding program pursuant to Section 53E 1/2 of Chapter 44 (see enclosed) to pay our plumbing, gas, and electrical inspectors. This program (see enclosed) has been in place for two years, having been authorized by Town Meeting.

This program allows us to collect fees from contractors and place them in an account with the Town Treasurer. When we receive bills from our inspectors for their services, we place them on the warrant for payment and when approved, pay our inspectors from the account.

This fund has worked very successfully as fees offset salaries; therefore, there is no impact on the taxpayer for these services.

The purpose of this memo is to request an adjustment in the estimated revenues and expenses in this account for the current year. The residential building has increased this year to a degree larger than expected when we prepared last year's article. Consequently, the fees collected and the services to be provided from this account are actually higher than we anticipated when this article was voted at last years annual Town Meeting. This adjustment would have no impact on the tax payers or the General Fund. It would simply correct the account to properly reflect actual conditions and allow us to continue to pay for these services from the fees collected.

The advantage to an account under Section 53E 1/2 of Chapter 44, is that the fund can be increased by a vote of both the Board of Selectmen and the Finance Committee without having a negative impact on the General Fund or having to go back to Town Meeting. This is consistent with your directive that we cannot go for a reserve fund transfer and must resolve financial issues within our departments.

I feel that an increase of \$7,000 in both revenues and expenses from \$30,200 to \$37,200 should resolve this year's deficit brought on by an increase in construction. If you will place this request in front of both the Board of Selectmen and the Finance Committee for a vote, I will be able to continue to pay the inspectors from the receipts collected.

**ARTICLE 19\* SELF-FUNDING PROGRAMS**  
(Majority Vote Required)

To see if the Town will vote pursuant to Section 53E 1/2 of Chapter 44 of the General Laws to establish revolving funds for the Historic District Commission, the Building Department and Sealer of Weights and Measures, or take any other action relative thereto.

**SUMMARY**

This will allow the Town to fully fund the Historic District Commission the Building Department Inspection Program and the Sealer of Weights and Measures for the receipts that each program produces. This article removes the cost of these programs from the tax base.

	REVENUES	EXPENSES
Historic District Fees	250	250
Building Department		
Microfilm Fees	2,300	2,300
Electrical, Plumbing & gas permits	30,200	30,200
Sign License/Periodic Inspect.	6,000	6,000
Sealer of Weights and Measure	6,500	6,500

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612  
Selectman Assigned: Anne Fanton

(S) Recommended  
(F) Recommendation Deferred

**ARTICLE 20 USE OF TOBACCO AND SMOKING PRODUCTS**  
(Majority Vote Required)

To see if the Town of Acton will vote to replace Chapter E, Sections 26-34, Clean Indoor Air Bylaw, with the sections as follows:

**USE OF TOBACCO AND SMOKING PRODUCTS**

**Section E26. AUTHORITY:**

The Town of Acton acting under M.G.L. Chapter 111, Section 31 and Chapter 40, Section 21, adopts the following bylaw to protect the public health of the the Town.

**Section E27. FINDINGS AND PURPOSE:**

There exists substantial evidence that tobacco smoke causes cancer, heart disease and various lung disorders. Evidence also indicates that the harmful effects of tobacco smoke are not confined to smokers, but also

ree, shall be ex-  
patriation in such  
all, in the discre-  
ing such off-duty  
v. compensate the  
vices; provided,  
shall be paid to  
than ten work-  
town or district

or district may  
the special fund  
used for the pur-  
ablished. A city,  
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vices authorized  
except in the case  
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and shall not be  
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by 73, c. 773;  
c.

self-supporting  
inds; creation;  
inds; annual re-  
provisions

of section fifty-  
cepts the provi-  
in the city or  
which shall be  
ther monies by  
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ty manager in  
towns, or in  
own manager  
ager and only  
supporting recre-  
ditor or town  
report of said  
council, city  
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point shall be

submitted to the director of the bureau of ac-  
counts; provided, however, that funds in said  
revolving fund shall not be used for the purpose  
of paying any wages or salaries for full-time, as  
defined in the guidelines issued by the director of  
accounts, recreation and park employees; provid-  
ed, further, that the unreserved fund balance shall  
not exceed ten thousand dollars at the close of  
each fiscal year and any such amount in excess of  
ten thousand dollars shall be paid into the city or  
town treasury as provided in section fifty-three.

A city or town which has accepted the provi-  
sions of this section may, in like manner, revoke  
its acceptance; provided, however, that any city  
or town may require by by-law or ordinance, that  
the provisions of this section may be subject to  
annual authorization by a vote of the annual town  
meeting or city council.

Added by St.1977, c. 665. Amended by St.1986, c. 63;  
St.1989, c. 223; St.1992, c. 42.

**§ 53E. Agencies, boards, etc.; annual operat-  
ing costs; offset by estimated re-  
ceipts of user fees**

Notwithstanding the provisions of section fifty-  
three, a city or town which accepts the provisions  
of this section may specify when making an ap-  
propriation for the annual ordinary operating  
costs of any agency, board, department or office  
of said city or town that such costs may be offset,  
in part or in the aggregate, by the estimated re-  
ceipts from the fees charged to users of the serv-  
ices provided by such agency, board, department or  
office.

The use of such fees shall be limited to an  
amount not to exceed the actual amounts received  
during the previous fiscal year or such other esti-  
mated amount as may be approved, in advance of  
appropriation, by the commissioner of revenue or  
his designee, and which is based upon adequate  
documented material supporting such estimated  
amounts.

Receipts so allocated shall be deposited in a  
special account by the city or town treasurer or  
otherwise specifically identified and may be ex-  
pended for the purpose allocated without further  
appropriation. Any balance in such accounts at  
the end of the fiscal year shall be deposited into  
the general treasury of the city or town.

Any deficit resulting from any city or town  
acting under the provisions of this section shall be  
reported by the auditor, accountant or other offi-

cer having similar duties, or by the treasurer if  
there be no such officer, to the assessors, who  
shall include the amount so reported in the aggre-  
gate appropriations to be assessed in the next  
subsequent annual tax levy, unless the city or  
town has provided funds to eliminate such deficit.  
Any deficit so incurred must be raised by taxation  
and shall be subject to all applicable provisions of  
chapter fifty-nine.

Each agency, board, department or office shall  
prepare an annual report of the change in cash  
balances in such entity which shall detail the cash  
receipts and disbursements for the year and shall  
be submitted to the mayor, city council, city man-  
ager, board of selectmen or town manager for  
their review and a copy of said report shall be  
submitted to the director of the bureau of ac-  
counts. Such report shall be prepared and sub-  
mitted within forty-five days after the close of the  
fiscal year.

All such sums, so allocated, shall be treated as  
amounts voted from available funds for the pur-  
pose of deduction in accordance with the provi-  
sions of section twenty-three of chapter fifty-nine.  
All amounts voted from available funds shall be  
itemized in a schedule, on a form approved by the  
commissioner of revenue, prepared by the city or  
town clerk and included with the submission for  
approval of the tax rate by the commissioner of  
revenue as provided in section twenty-three of  
chapter fifty-nine. The assessors shall further at-  
test, on said schedule, that the receipts itemized  
therein have not been included in any other de-  
duction from the gross amounts to be raised.  
Added by St.1981, c. 339, § 1.

**§ 53E½. Revolving funds**

Notwithstanding the provisions of section fifty-  
three, a city or town may annually authorize the  
use of one or more revolving funds by one or  
more municipal agency, board, department or of-  
fice which shall be accounted for separately from  
all other monies in such city or town and to which  
shall be credited only the departmental receipts  
received in connection with the programs sup-  
ported by such revolving fund. Expenditures may  
be made from such revolving fund without fur-  
ther appropriation, subject to the provisions of  
this section; provided, however, that expenditures  
shall not be made or liabilities incurred from any  
such revolving fund in excess of the balance of the  
fund nor in excess of the total authorized expendi-

tures from such fund, nor shall any expenditures be made unless approved in accordance with sections forty-one, forty-two, fifty-two and fifty-six of chapter forty-one.

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established pursuant to this section for receipts of a municipal water or sewer department or of a municipal hospital. No such revolving fund may be established if the aggregate limit of all revolving funds authorized under this section exceeds ten percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. No revolving fund expenditures shall be made for the purpose of paying any wages or salaries for full time employees; provided, however, that such prohibition shall not apply to wages or salaries paid to full or part-time employees who are employed as drivers providing transportation for public school students; provided, further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay such wages or salaries and provided, further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year.

A revolving fund established under the provisions of this section shall be by vote of the annual town meeting in a town, upon recommendation of the board of selectmen, and by vote of the city council in a city, upon recommendation of the mayor or city manager, in Plan E cities, and in any other city or town by vote of the legislative body upon the recommendation of the chief administrative or executive officer. Such authorization shall be made annually prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year; and, provided, further, that no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent

fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine.

In any fiscal year the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city, or with the approval of the selectmen and finance committee, if any, in a town; provided, however, that the one percent limit established by clause (4) of the third paragraph is not exceeded.

The board, department or officer having charge of such revolving fund shall report to the annual town meeting or to the city council and the board of selectmen, the mayor of a city or city manager in a Plan E city or in any other city or town to the legislative body and the chief administrative or executive officer, the total amount of receipts and expenditures for each revolving fund under its control for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the town meeting or city council may, by vote determine, and the amount of any increases in spending authority granted during the prior and current fiscal years, together with such other information as the town meeting or city council may by vote require.

At the close of a fiscal year in which a revolving fund is not reauthorized for the following year, or in which a city or town changes the purposes for which money in a revolving fund may be spent in the following year, the balance in the fund at the end of the fiscal year shall revert to surplus revenue unless the annual town meeting or the city council and mayor or city manager in a Plan E city and in any other city or town the legislative body vote to transfer such balance to another revolving fund established under this section.

The director of accounts may issue guidelines further regulating revolving funds established under this section.

Added by St.1990, c. 275, § 1. Amended by St.1992, c. 224, § 1.

#### **§ 53F. Deposits of public funds in banking institutions in return for banking services**

Notwithstanding any general or special law to the contrary, a treasurer or collector of a city, town or district is authorized to enter into written agreements for a period not to exceed three years, with banking institutions having their principal offices in the commonwealth, pursuant to which

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EXTRA INFO. 2/15/94

2/15/94

FEB 15 1994

To: Board of Selectmen

From: Board of Trustees, Acton Memorial Library

At our meeting last evening ( 2/14/94) the Trustees voted the following:  
To request that the Selectmen place the articles for the restoration of the FTE and the Friday hours at the top of the contingency list for warrant articles\*. The budgetary impact is \$57,339. On the priority list that was developed during the budget retreat, the FTE is # 18 and Friday hours is # 30.

The Trustees do not consider these requests to be NEW positions, but restoration of positions that were cut over the past four years.

In addition we would like there to be some mention of the need for a space study plan with the estimated costs attached. Although this item can wait for subsequent budget cycles, the Trustees think the voters should start to hear about this need so when the article is able to come before the Town Meeting, it is not a total surprise.

We would also like the Selectmen to O.K. any efforts made by the Trustees to get grants or any other outside funding for this project and to direct the Town Manager to help with the drafting of the bids.

The Library is in great need of a circulation desk. The Trustees, in cooperation with the Friends of the Acton Libraries, will continue to raise the funds through private sources. This method will delay the installation of such a desk and will continue to make working at the circulation desk far more labor intensive than need be.

\* It is not clear at this time the exact form of the warrant and if the revenue projections increase how far down the priority list the Selectmen will be able to fund. The Trustees "saved a place" on the warrant by submitting contingency plans in early December before the warrant closed. We want these two items to get a full and fair hearing. It should be noted that the Trustees are ready to lobby the Town Meeting and any subsequent override efforts for the restoration of these funds.



JANUARY 28, 1994

File  
2/1/94

TO: Board of Selectmen  
FROM: F. DORE' HUNTER, Chairman  
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

FEBRUARY 1, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 CHAIRMAN'S MINUTE
2. 7:45 TOWN MANAGER'S FY95 DETAILED BUDGET PRESENTATION

III. SELECTMEN'S BUSINESS

3. OVERRIDE QUESTIONS - Enclosed please find Chairman Hunter's Memo of January 25 as well as backup information regarding Override Options reviewed by the Board last Spring for discussion.
4. LOCAL SCHOOL BUDGET - Enclosed please find a memorandum from the Chairman concerning the Local School's Budget Presentation.
5. REQUEST TO PLACE SIGN ON TRAFFIC ISLAND- Enclosed please find a request from the Drama Club and staff comment for Board action.
6. DESIGNATION OF MUNICIPAL FORUM FACILITATOR AS SPECIAL EMPLOYEE - The Board needs to make this designation for purposes of the Conflict of Interest Laws.

IV. CONSENT AGENDA

7. KENNEDY ESTATES - STREET ACCEPTANCE - Enclosed please find the Notice of Public Hearing that requires Board signature. The formal Public hearing is scheduled for March 1, at 7:45 for Board action.
8. ONE DAY LIQUOR LICENSE - Enclosed please find a request from Chez Claude for a One Day Liquor license for Sunday, February 13 and Sunday, February 20th for Board action.

9. WETHERBEE STREET BRIDGE POSTING - Enclosed please find staff recommendation for a bridge posting to be voted by the Board.
10. VARNUM TUTTLE FUND REQUEST - Enclosed please find a request and staff comment for Board action.

**V. TOWN MANAGER'S REPORT**

11. LADDER TRUCK - The Town Manager will discuss this problem with the Board after the FY95 Budget Presentation and make a recommendation for resolution.

**VI. EXECUTIVE SESSION**

**MEETINGS**

- April 10, 1994 2-4 P.M. - Open House Senior Center

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

Feb 16, 1994  
ACHC - ADAMS STREET

March 1, 1994  
Kennedy Lane - Street Acceptance  
Saab Class I review

March 15, 1994  
Metropolitan Deli - Special Use Permit  
Common Vic  
Costa Donuts - Special Use Permit  
Common Vic.  
Possible discussion on the NARA/Bldg. Commissioner

2/1/94  
(2)

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: Jan. 27, 1994

TO: Board of Selectmen  
FROM: Don P. Johnson, Town Manager  
SUBJECT: FY95 Detailed Budget

Our plan has been to deliver the FY95 Detailed Budget document to the Board at the close of the presentation on February 1, as we did last year. In drawing this material together, however, it has become abundantly clear that you should have some sense of the items involved before we begin to discuss them. For that reason we have decided to forward the attached summary sheets for your review prior to the meeting.

THE BOARD DOES NOT NEED TO MAKE ANY DECISIONS CONCERNING THIS BUDGET ON FEBRUARY 1. In fact, the material has been arranged with the intention of providing flexibility and encouraging the Board to weigh various considerations before reaching conclusions. Key elements that bear heavily on the decision making process are still unresolved and you will want to evaluate them carefully before moving on to other decision points. I will discuss these variables in the presentation.

The important points you need to understand at this time are:

1. We are reasonably confident that there will be adequate funding available to cover the Base Municipal Budget, shown on the first spreadsheet, without need for an Override. This compares with the Pro-Forma Budget you

received in December. Existing staffing is retained in this Base Budget and a modest COLA (as discussed with you in December) has been included. Departmental Operating Expenses have been reapportioned according to the requests received and the aggregate of these requests is slightly higher than the FY94 appropriation.

2. Several items that are normal operating expenses and would generally be carried in the Operating Budget have been included both in the Budget and in the Capital/Programs List (with a proper footnote). These items were identified because some concern has been expressed in recent years that they (or similar items) are more appropriate to Warrant Articles than inclusion in the Budget. Their location on the Warrant is left to your determination.
3. The level of funding that will ultimately be available for Municipal programs is very much up in the air and will be the subject of considerable discussion in the weeks ahead. There are several resources and expenses that are quite volatile and we simply do not have enough information at this point to make any determinations. As the Board is aware, the Municipal side gets the leftovers after Ed Reform has been funded. To show you the continuing volatility of just the School Spending issue (the most basic element in our computation of available Municipal funding, under the Ed Reform law) I have attached copies of recent correspondence from Ron Fitzgerald. The final determination in the Minuteman debate alone, could influence the level of funding for Municipal services by as much as \$300,000. We will discuss this and other areas of concern in the presentation.

Clearly we do not have enough information at this juncture to know where we are or where we will be. Our purpose in presenting the budget as you are seeing it is to focus on potential expenditures and allow the Board to begin deliberations ... even though we do not have funding levels established.

I would ask that you review the information in our worksheets and begin to formulate your own opinions on priorities. We will discuss the items individually on Tuesday and we will have written backup for you at that time. Our hope is to achieve a prioritized list, much like the attached, that will allow the cutoff line to float up or down as available funding levels become more apparent.

As information develops we will come back to you with more firm recommendations.

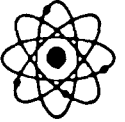
A handwritten signature in black ink, appearing to be 'Dan' or similar, located below the text.



# Minuteman Tech

Minuteman Regional Vocational  
Technical School District  
758 Marrett Road  
Lexington, MA 02173-7398  
Telephone 617-861-6500

Science-Technology High School  
and Adult Career Center



Fax 617-863-1747

January 21, 1994

Subject: Fiscal Report #2

To: 1. All Board Chairpersons

a. Selectmen

b. Fincoms (+ representatives)

2. All Town Executive Officers

Annex A on the reverse side of this memo means that, through refilings (3X) of Schedule 19 and your support, we have achieved state calculations on minimum contributions lower than our actual assessments for FY 1994. Unfortunately the budget provision that would guarantee a similar victory for FY 1995 applied to FY'94 only. So we are keeping our fingers crossed on our recalculation system working for FY'95 also.

The FY'95 calculations should be arriving next week. If we "win", the version 3.0 assessments distributed on 1-20-94 would apply. If we lose, we'll ask you to join in united action against that. Watch for Report #3, hopefully next week.

Thanks,

  
Ron Fitzgerald  
Superintendent

c.c. Minuteman School  
Committee Members

- OVER -

Acton  
Arlington

Belmont  
Bolton

Boxborough  
Carlisle

Concord  
Dover

Lancaster  
Lexington

Lincoln  
Needham

Stow  
Sudbury

Wayland  
Weston

08-Jan-94 = Rev'd at MM on 1-21-94

A

	Massachusetts Department of Education Information and Outreach Services FY 94 Minimum Contribution and Net School Spending	Original FY 94 Minimum Contribution	* X Revised FY 94 Minimum Contribution	Original FY 94 Net School Spending	Revised FY 94 Net School Spending
002 Acton		669,995	570,955	879,856	780,816
010 Arlington		2,436,118	2,076,006	3,205,596	2,845,483
026 Belmont		472,294	402,478	620,430	550,614
034 Bolton		116,960	99,671	154,048	136,759
037 Buxborough		203,013	173,003	265,339	235,329
051 Carlisle		78,149	66,598	102,835	91,284
067 Concord		272,932	232,587	359,343	318,998
078 Dover		39,645	33,785	51,991	46,131
147 Lancaster		184,099	156,885	242,902	215,688
155 Lexington		616,306	525,202	809,704	718,600
157 Lincoln		64,799	55,220	85,374	75,795
199 Needham		508,316	433,176	668,798	593,658
286 Stow		354,324	301,947	465,428	413,051
288 Sudbury		342,031	291,471	449,017	398,457
315 Wayland		235,964	201,083	310,029	275,148
330 Weston		52,166	44,455	68,624	60,913
830 Total		6,647,111	5,664,521	8,739,314	7,756,724

The Commonwealth of Massachusetts  
Department of Education

350 Main Street, Malden, Massachusetts 02148-5023

Telephone: (617) 388-1380  
TTY: M.E.T. Relay 1-800-438-1378

JAN 21 1994

\* X  
+ buses  
+ equipment

January 18, 1994

Ronald Fitzgerald  
Superintendent  
Minuteman Regional School District  
758 Marrett Road  
Lexington, MA 02173

Dear Superintendent Fitzgerald:

At your request, we have re-figured the minimum local contribution necessary to maintain your district's fiscal effort under the terms of Chapter 70 as amended by Chapter 71 of the Acts of 1993, the Education Reform Act.

The new requirement takes account of the revised estimate of the school committee's expenditures for instruction in FY93.

For more information, please contact:

Massachusetts Department of Education  
Information and Outreach  
350 Main Street  
Malden, MA 02148  
(617) 388-3300, extension 553

Thank you.

Sincerely,

*Robert V. Antonucci*

Robert V. Antonucci  
Commissioner of Education

cc: Board of Selectmen

Minutemen  
Tech

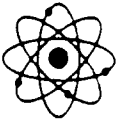
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# Minuteman Tech

Minuteman Regional Vocational  
Technical School District  
758 Marrett Road  
Lexington, MA 02173-7398  
Telephone 617-861-6500

Science-Technology High School  
and Adult Career Center



Fax 617-963-1747

January 20, 1994 <sup>JAN 24</sup>

Subject: **School Committee Adoption  
of Minuteman Budget  
for 1994-95**

- To:
1. Boards of Selectmen  
c/o Chairpersons
  2. Fincoms  
c/o Chairpersons  
and/or Representative to MM
  3. Town Executive Officers
  4. Other Interested Parties

## POST-HEARING REPORT #1

- A. **BUDGET PROPOSAL** - - After its public hearing on January 18, 1994, the School Committee adopted a **\$11,198,514** budget for 1994-95. See the "A" sheets.
- B. **FISCAL PLAN AND ASSESSMENT** - - The Committee cannot adopt a final fiscal plan and assessments until state figures on **MINIMUM LOCAL CONTRIBUTIONS** are received within the next few days. These are the current facts in this area:
1. See the "B" sheet for the Committee's plan to use revenue, again if state directives so allow.
  2. See a **REVISED** (compared to previous distribution) **TENTATIVE** assessment plan on sheet "C". This is what assessments would be **if** the state does not require higher assessments.
    - a. The figures have changed because we discovered on January 20th while doing research requested by Carlisle that guidance and community education did not coordinate properly with each other and double-counted 12 students from one program. We have subtracted figures as follows - -

Arlington = -1 student  
Carlisle = -2 students  
Concord = -2 students  
Dover = -1 student  
Lexington = -5 students  
Lincoln = -1 student

Acton  
Arlington

Belmont  
Bolton

Boxborough  
Carlisle

Concord  
Dover

Lancaster  
Lexington

Lincoln  
Needham

Stow  
Sudbury

Wayland  
Weston



This then changes all assessment calculations accordingly although the total 1.1% increase remains the same. I apologize for my not monitoring adequately to prevent this error and express my appreciation to John Ballantine, Chairman of the Carlisle Fincom, for asking the question that helped us to find our mistake.

- b. **Unfortunately WE CANNOT YET PROPOSE THESE AS FINAL FIGURES.** We must wait for the state computation. In this regard, we have filed a revised schedule 19 state report designed to lower state calculations as much as possible. Our hope is to cause state calculations lower than what our actual assessments would then be as we fight for the right to use revenue other than assessments in meeting state expenditure standards.

3. After state figures are received, I'll send you a **REPORT #2**.
4. Then, on February 15th, our School Committee will meet to adopt its assessment plan.

- C. **OTHER INFORMATION - -** We realize that there are some large assessment increases in towns with a significant percentage increase in relative (to member town) enrollment, for example in Lancaster. However, such increases are not always as large as they seem in absolute terms. For example, if a Lancaster student attends Minuteman, the impact of the Minuteman assessment increase is partially offset by a concurrent smaller decrease in potential assessment from the Nashoba Region. Also, many towns receive significant middle school service not reflected in the enrollment column on your assessment sheet.

If our revised reporting does not work and the state orders us to raise assessments for 1994-95, we might seek the help of all member towns with our refiled legislation. Our bill giving us the right to use "other revenue" to meet state contribution requirements passed the House and, although not opposed, died in the last-minute confusion in the Senate during the last session. Although there is a useful provision for FY'94 in an "outside section" in an adopted supplementary budget, that will not help us in FY'95.

This is a hectic time of year for Minuteman. We have evening parent meetings in most towns along with many financial meetings across the 16 towns. However, your Minuteman School Committee representative and/or myself or another school staff member would be pleased to attend a meeting with Selectmen or Fincom members on mutually convenient dates wherever that would be helpful to provide information explaining our efforts to be fair and sensitive to 16-member towns.

Sincerely,



Ron Fitzgerald  
Superintendent

c.c. Minuteman School  
Committee Members

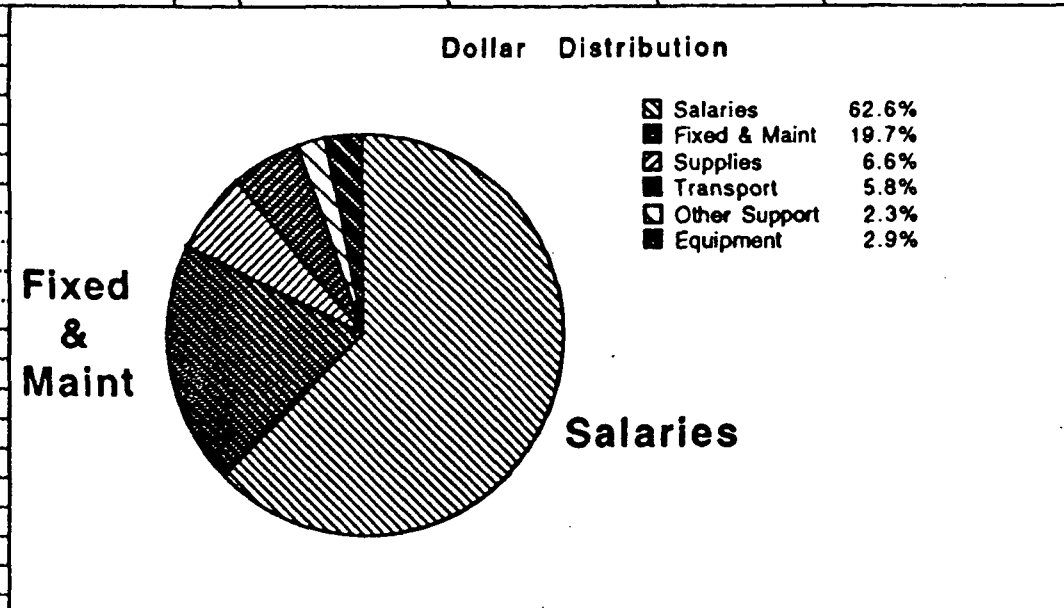
1-20-94 RJF Version 2.0		MINUTEMAN TECH FOR	BUDGET 1994-95	PROPOSAL Revised	
PROGRAM AREA	PAGE	1993-94 AMT.	PROPOSED 94-95	DIFFERENCE	COMMENT (if any)
Introduction	A				
CONSTRUCTION	A	See yellow page.			
Carpentry	1	18450	21380	2930	More construction costs
Electrical	2	11900	13400	1500	Same as above
Plumbing	3	15600	18150	2550	More freshmen
Horticulture	4	19315	17850	-1465	
Heat/air cond	5	17700	21350	3650	More repair, refrigerants up
Sub-totals A		82965	92130	9165	
COMMERCIAL	B				
Culinary/hotel	6	6475	6550	75	
Cosmetology	7	6940	7360	420	
Retail (DE)	8	3495	3595	100	
Printing	9	15885	24385	8500	More students, supplies
Commercial art	10	7850	8050	200	
Health+ New Dental	11	22800	33950	11150	New dental tech program
Child care	13	2725	7525	4800	More pupils+OSHA inoculate
Duplicating svc.	14	64242	64242	0	
Photography (acad)	15	1200	1600	400	
Afternoon Program	16	13870	13870	0	
Reg. Occup. Prog.	17	9930	9930	0	
Sub-totals B		155412	181057	25645	
TECHNOLOGY	C				
Electronics	18	8306	13185	4879	Supports new tech programs
Computers	19	15165	15350	185	
Electromechanical	20	21405	25505	4100	More students served
Drafting+Aeron.	21	9210	8830	-380	
Biotechnology	23	24100	25160	1060	Many more pupils
Environ. Tech=new	24	0	24650	24650	Start-up costs -grant
L'drship/safety	25	3000	3850	850	
Business tech (rel.)	26	4550	4830	280	
Sub-totals C		85736	121360	35624	
AUTO/METALS	D				
Welding	27	10639	9962	-677	
Auto body	28	20443	15910	-4533	
Machine shop	29	7905	6650	-1255	
Auto mech/ASEP	30	18275	16575	-1700	
Sub-totals D		57262	49097	-8165	
ACADEMIC	E				
Commo (English)	31	12550	13950	1400	
Human rel. (Soc S.)	31	6490	8240	1750	More students, new texts
Mathematics	32	16760	25060	8300	Software additions
Science w/labs	33	24520	28835	4315	Now 3-years required
Physical educ.	34	9265	9400	135	
Foreign language	35	1300	4250	2950	New texts & software
Art/jewelry	35	9150	9150	0	
Music (Indep study)	35	0	500	500	Electronic supplies
Athletics	36	82950	86497	3547	Higher costs=officials/pupils
Driver educ.	37	0	0	0	
Mid School Service	38	16600	24350	7750	Local shift in service
Sub-totals E		179585	210232	30647	
SUPPORT	F				
Library	39	22600	25100	2500	CD ROMS
Audio-visual	40	6625	6625	0	
Television	40	400	400	0	
Microcomputer svc.	41	26650	29950	3300	Repairs, supplies up
Special educ.	42	10200	10200	0	
Psychological svc.	42	4300	4300	0	
Guidance svc.	43	9625	12325	2700	Major increase in testing
Health service	44	11368	12169	801	More pupils
Principal's office	45	77500	84200	6700	Postage up -Continued

"A-1"

A-2

		Page 2	MM Tech 94-95 Budget Proposal		
PROGRAM AREA	PAGE	1993-94 AMT.	PROPOSED 94-95	DIFFERENCE	COMMENT (if any)
Transportation	46	635040	651924	16884	Some increased routes
Voc coordination	48	7650	7650	0	
Computer svc, mini	48	37806	38251	445	
Dean's office	49	3015	3900	885	Higher leasing cost
District programs	50	49900	53020	3120	Rise in audit fees
Supt's office	51	4650	4650	0	
Planning office	51	51260	51260	0	
Business office	52	15950	14650	-1300	
risk insurance	52	121500	130850	9350	Some premium increase
employee benefit	52	1134477	1200683	66206	Health ins. costs up "
medicare	52	35000	47000	12000	Based on payroll
Bus'ns Sub-totals	52	1306927	1393183	86256	
Maintenance	53	796400	808180	11780	
Debt mgmt.	55	0	0	0	
Equipment/capital	56	281240	328953	47713	Cannot delay all any longer
Food service	58	1100	5000	3900	Major repairs needed
Sub-totals F		3344256	3531240	186984	
Salaries	59	6483915	7013398	529483	Includes new positions
FULL TOTAL		10,389,131	11,198,514	809,383	= + 7.79%
			ADOPTED ON	Compared to an 7.0% Increase in	
			1-18-94	regular day enrollment (as corrected).	
See SPECIAL NOTE: This v2.0 budget will be affected by decisions on programs & CHOICE funding.					
It cannot be used as a direct indication of a final budget or assessment change yet.					

Where the dollars go - -			
Salaries		7013398	
Fixed & Maint		2201363	
Supplies		742776	
Transport		651924	
Other Support		260100	
Equipment		328953	



Budget	11,198,514	
Revenue (est) -	4,859,348	IF ALLOWED BY STATE
Assessment =	6,339,166	IF AT OR ABOVE STATE CALCULATION

B

**PROPOSED  
FISCAL MANAGEMENT PLAN, FY'95**

1. Minuteman has developed a special modified 2-budget reporting system on state forms which we hope (?) will allow us to use revenues to approve our version 3.0 of assessments.
2. Without explaining that system in detail here, this is a simple summary of our proposed fiscal plan subject to state directives:

	1993-94	1994-95	CHANGE
a. BUDGET	10,389,131	11,198,514	+7.79%
b. REVENUE USE (if allowed)	4,119,152	4,859,348	+17.97% from tuition etc.
c. ASSESSMENT = a - b	6,269,979	6,339,166	+1.1%
*Based on an 7.0% increase in regular day enrollment.			

3. Individual member town assessments are influenced dramatically by changes in the towns % share of total member town enrollment.

  
Ron Fitzgerald  
Superintendent

1994-95

Minuteman Tech

AFTERNOON-	60870											
FLEX-	43528											
		OPERATE DAY-	6,234,768									
	PROPOSED	MM TECH										
	1994-95	ASSESSMENTS	REVISED									
A	B	C	D	E	F	G	H	I	J	K	L	
		ORIGINAL(Fin)	OPERATING			43,528		60,870	↓	↓		
	PUPILS 10-93	CAPITAL (5)	SHARE	OPERATING \$	FLEX	FLEX \$	AFTERNOON	AFTERNOON \$	NEW ASSESS \$	PAST INITIAL	ASSESS CHANGE	
TOWN	Inc. PT.FTE	PUPILS X 400	PUPILS/TOTAL	SHARE X DAY	PUPILS	SHARE	PUPILS	SHARE	E+G+I	ASSESSMENT	J-K	
BOLTON	8.38	\$0	0.017439	108,729	0	0	9	1,570	110,298	107,155	3,143	
DOVER	2.13	\$0	0.004433	27,636	0	0	1	174	27,811	35,015	-7,204	
LANCASTER	20.25	\$0	0.042141	262,739	0	0	23	4,011	266,751	172,227	94,524	
NEEDHAM	38.5	\$0	0.080120	499,529	1	1,874	28	4,884	506,086	481,588	24,498	
ACTON	35.13	\$0	0.073107	455,804	2	3,348	23	4,011	463,164	648,321	-185,157	
ARLINGTON	169.13	\$0	0.351966	2,194,423	9	15,067	113	19,709	2,229,199	2,210,682	18,517	
BELMONT	34.5	\$0	0.071796	447,630	3	5,022	23	4,011	456,664	455,171	1,493	
BOXBORO	14.25	\$0	0.029655	184,891	0	0	3	523	185,414	179,916	5,498	
CARLISLE	9	\$0	0.018729	116,773	1	1,874	9	1,570	120,017	72,596	47,421	
CONCORD	26.63	\$0	0.055418	345,518	2	3,348	24	4,186	353,052	257,358	95,694	
LEXINGTON	46.75	\$0	0.097288	606,571	5	8,371	29	5,058	619,999	681,657	-61,658	
LINCOLN	7.25	\$0	0.015088	94,067	0	0	26	4,535	98,602	81,230	17,372	
STOW	23.38	\$0	0.048655	303,350	2	3,348	19	3,314	310,012	315,701	-5,689	
SUDBURY	24	\$0	0.049945	311,395	0	0	12	2,093	313,488	300,448	13,040	
WAYLAND	18.25	\$0	0.037979	236,790	0	0	5	872	237,662	222,712	14,950	
WESTON	3	\$0	0.006243	38,924	1	1,874	2	349	40,947	48,204	-7,257	
TOTAL	480.53	\$0	1.000000	6,234,768	26	43,528	349	60,870	6,339,166	6,269,979	69,187	
	+ NON-MEMBER	and MID SCHOOL							↑	↑	W/ ROUNDING	Up 1.1%
	and SELF-FUNDED											

Note revisions. See memo of 1-20-94.

These are NOT final proposed assessments. We are still waiting for state figures and, when they are received, will issue version 4.0.

Ron T. General

2/1/94 (3)

## MEMORANDUM

25 January 1994

From: F. Doré Hunter

To: Board of Selectmen

Subject: Questions re override questions for 2/1/94 Meeting

1. The Municipal Forum session on January 24th was productive and the parties seemed more at ease with each other now that we are finally discussing matters of substance. We were able to confirm that at present it appears that both we and at least one of the school entities will desire to offer the citizens some Proposition 2½ override election options after the Annual Town Meeting.

2. It may be that the "left over" revenues available to the Town to support the Town Manager's detailed "B" Budget request, which we will hear on February 1st (contrary to previous advice I will be there), will be sufficient such that we can squeeze out enough money to cover the salaries of the operating personnel the Town will seek to employ in FY95. If that is so we may be able to avoid a Town general override request. I expect that the Manager will present us a number of well justified requests for capital items which can be bonded. If so, we will want to try to get Town Meeting to approve the borrowing, and the electorate to set the funding outside Proposition 2½, i.e. debt exclusion overrides.

3. We have been informed through the Municipal Forum that the Local Schools will be seeking salary and operating funds in excess of the level of funding (FY94 + non-waiver increment + 3.6%) guaranteed to them under the Ed Reform Act, any such request would involve a general override. It is said that the Regional Schools will probably be able to live within their Ed Reform Act funding level (again FY94 + non-waiver increment + 3.6%) and thus will not need an override. In addition we know the schools will look to the Town to fund a warrant article to repair the Blanchard Auditorium chimney (only \$25,000, so probably an operating charge), and if the DEP presses them hard enough or the developing negotiations with Maynard are de-railed, there is also the cost of a package sewerage treatment plant for the main campus septage (debt exclusion) which the Town will have to fund in addition to bearing the Ed Reform charges.

4. We have only vague information from the schools concerning what other warrant articles the Regional or Local Schools may wish to submit for Town Meeting consideration, well after the warrant deadline. The school representatives seemed strangely reluctant to

say anything about potential warrant articles, until the Superintendent has made her budget presentation. But when we pressed them they did finally mention several items, it does not sound as if any belated school warrant article requests will involve other override questions or serious money issues.

5. Although we asked again at the Municipal Forum, no firm answer was given to our request for an allocation of School Choice monies. Isa did said that there would be no such funds from the Local Schools, and something less than the \$279,000 from the Regional Schools that was provided last year, depending on the School Committee's action. She was apparently not willing to share with us what her recommendation will be to the School Committee.

6. The Schools (Bill Ryan) pushed hard at the 1/24 Municipal Forum meeting for a commitment from the Selectmen as to exactly how the override questions would be organized for an after Town Meeting ballot. He seems eager to present the Local School general override question separately, and seemed to be echoed in that by one School Committee representative (Pam). It may well be that the school representatives want a commitment from the Selectmen on what we will do after Town Meeting before they decide how high they want to push their financial requests for the Meeting. If we have debt exclusion overrides and the schools are seeking a general override there is no question of combining the questions, they will have to be separate. However, if the Town and say the Local Schools are both seeking a general override it will be optional as to whether we combine them or not.

7. On a related matter, Bill Ryan said again quite clearly that the Schools want to present their "A" Budgets at Town Meeting, from the school representatives "body English" at the meeting and by their past history they want no part of any "B" Budget presentation. In my humble opinion as elected representatives we are duty bound under Proposition 2½ to lay out for the citizens what a "B" Budget, a non-override budget will provide them, even if that potential level of service is personally repugnant. Given their desire for "A" Budget presentations the schools (Bill) have asked us to consider their putting only their "A" Budget Articles on the Warrant, in lieu of a "B" Budget Article plus an Article for an additional amount contingent on a latter general override vote. Of course, this would mean we would have to bear the expense and fuss of convening a second Town Meeting if the override vote failed. I continue to favor the contingent route, not only because it sets forth the "B" Budget, but more importantly in my view it sends a message to the voters that we, their leaders, are not kneejerk overspenders, that we recognize the limits of the law and are only asking them for an informed choice.

8. In addition to the foregoing presentation dichotomy, I think we should very carefully consider, if there is a possibility of both

sides having general override requests, the question as to whether they should be combined into a single ballot question as we have done in the past, assuming of course that Town Meeting approves, either absolutely or contingently, override levels of expenditures. It seems to me that separate general override questions invite School-Town strains and enhance the possibility that one or the other or both questions will lose. More importantly, if one question passes and the other loses I think that the seeds will have been sown, watered and fertilized for have and have-not battles in future years that we would all regret. On balance I think there are too many variables this year for us to allow ourselves to be rushed into a decision on this point, if we even must reach this decision. It would seem better to me to let things develop and make this override question decision, if it must be made, after we have a sense of Town Meeting.

  
Dore




5/4/93  
①

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: 4/29/93

TO: The Board of Selectman  
FROM: John Murray   
SUBJECT: Override Options

Below is a series of brief answers to some of questions posed by Town Meeting concerning the construction of override questions.

1. Specific information concerning "General Override or Underride" questions is contained in IGR 87-236 (Attachment 1). Item number 3 on page 3 pertains to a so called "pyramid" override question. Staff believes that an argument could be made that this is the perfect time to try a pyramid question. The argument in favor of a pyramid question at this time could be constructed as follows:
  - a. Town Meeting has clearly stated that it is in favor of an override of \$687,000. One could also interpret the vote to mean that Town Meeting would also be in favor of some lower amount, to bolster the budgets of the Town and the Schools, if the \$687,000 question would fail.
  - b. Both entities, the Town and the Schools, would not be jeopardizing any

personnel or programs by the placement of multiple questions. B-budgets were approved at Town Meeting, and we are only seeking an amount to be added to the approved budgets.

- c. The placement of multiple amounts would allow the voters to "take control" of the budgetary process, as Town Meeting requested several times.
- d. Please Note: Any amount other than the \$687,000 would require a special Town Meeting for appropriation purposes prior to December 1.

The argument against the use of a pyramid question at this time could be constructed as follows:

- a. The placement of multiple questions on the same ballot places the override question, required by the \$687,000 amendment, and approved by Town Meeting, at risk. Therefore, a party might allege that the Selectmen, conspiring with the no votes, placed a pyramid question to insure defeat of the \$687,000.
2. A debt exclusion override for the gas tank removal article is possible, but it is not necessary, due to the fact that the \$60,000 appropriation was taken from the monies generated by the "normal tax levy" (FY93's levy \* 1.025). If placed as a debt exclusion override question and passed, a \$60,000 increase to levy limit (taxing capability) for FY94- FY99 would be achieved. Yet due to the fact that the decision to raise an amount of money is independent from the vote to

appropriate those monies, the \$60,000 would go untaxed, unless a special Town Meeting appropriated said monies prior to the tax rate being set.

Please Note: In order for a debt exclusion to be placed on a ballot, it requires the motion to be supported by a minimum of 4 selectpersons, and only raises the levy by the repayment schedule for the life of the loan.

3. The selectmen could pose a "capital outlay" override. A "capital outlay" override is for the purpose of raising funds for a capital project, and the override only raises the levy limit for the year of the project. "Capital outlay" override is for any purpose for which the Town would be authorized to borrow under Chap. 44 sections seven or eight (Attachment 2). Again, like a "debt exclusion" a motion to place a "capital outlay" question on the ballot must be supported by 4 selectpersons.
4. Some Selectpersons have asked if the \$687,000 amendment could be broken into 3 separate questions? Any answer must be based on two major points. The first point is that Chap. 59, Section 21(m) requires that "the statement of purpose in the appropriation shall be the same as the statement of purpose in the referendum question". The second point is the following excerpt from the amendment " that these supplemental appropriations be contingent on a Proposition 2 1/2 override vote or votes pursuant to the procedures ... in MG1 Chap. 59, Section 21(m)".

It is my view that the intent of the motion is for one question. Therefore, I believe that the most conservative interpretation is for one and only one question.

On the other hand, Town Counsel and I believe that due to the fact, that Chap. 59, Section 21(m) requires only that the "purpose" shall be the same, and that

the motion does state "vote or votes", we believe that technically the decision on one question or multiple questions is at the discretion of the majority of Board of Selectmen.

5. A question has been raised concerning "old debt". Pre-Proposition 2 and 1/2 debt may be consolidated into a single debt exclusion override question. Acton does not have any pre-Proposition 2 1/2 debt outstanding.

Attachment 3 contains a synopsis of the Political Finance Law.



# Informational GUIDELINE Release

Commissioner Ira A. Jackson

Deputy Commissioner Edward J. Collins, Jr.

Property Tax Bureau  
Informational Guideline Release (IGR) No. 87-236 *Attachment 1*  
August 1987

## PROPOSITION 2 1/2 - BALLOT QUESTIONS

Chapter 229 of the Acts of 1987  
[Amending G.L. Ch. 59, S. 21C(g) and (h)]

An amendment to Proposition 2 1/2 changes provisions that had required a two-thirds vote of the Selectmen and Mayors to place a levy limit override or override question on the ballot and a two-thirds vote of the electorate for an override of more than 2.5 percent. A majority vote is now the requirement in each instance.

### Topical Index Key Proposition 2 1/2

Distribution  
Selectmen/Mayors  
Boards of Assessors  
Accountants/Auditors  
Finance Committees  
School Superintendents  
Town Counsels/  
City Solicitors



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE  
DIVISION OF LOCAL SERVICES

PROPERTY TAX BUREAU

INFORMATIONAL GUIDELINE  
RELEASE NO. 87-236

IRA A. JACKSON  
COMMISSIONER

EDWARD J. COLLINS, JR.  
DEPUTY COMMISSIONER

Subject:  
Proposition 2 1/2  
Ballot Questions

PROPOSITION 2 1/2 - BALLOT QUESTIONS

Chapter 229 of the Acts of 1987  
[Amending G.L. Ch. 59, S. 21C(g) and (h)]

SUMMARY:

This Act amends certain provisions of Proposition 2 1/2 which set forth procedures for seeking voter approval to increase or reduce the maximum levy limit.

Overrides

Under Ch. 59, S. 21C(g), a city or town may increase its maximum levy limit by a specified amount if approved by the voters. This is the so-called override provision.

1. The local appropriating authority, defined in the statute as the Board of Selectmen, Town Council or City Council (with the Mayor's approval if required by law), may now submit an override question to the voters by a majority vote of all of its members. Under prior law, a two-thirds vote of the relevant governmental body was required to place an override question on the ballot.
2. The form of the override ballot question has been amended to require a description of the purposes for which the additional tax revenues will be used. Under prior law, no purpose was identified in the ballot question.
3. The number of voters required for approval of an override question has been changed. All override questions will now be approved if a majority of the voters vote "yes". Under prior law, certain override questions required a two-thirds vote for approval.
4. The provisions limiting the number of override questions on a ballot to two questions have been deleted.

PROPERTY TAX BUREAU

Harry M. Grossman, Chief  
Lucille F. Bayes, Asst. Chief

(617) 727-4231

### Underrides

Under Ch. 59, S. 21C(h), a city or town must reduce its maximum levy limit by a specified amount if approved by the voters. This is the so-called underride provision.

1. The Board of Selectmen, Town Council or City Council (with the Mayor's approval if required by law) may now submit an underride question to the voters by a majority vote of all of its members. Under prior law, a two-thirds vote of the relevant governmental body was required to place an underride question on the ballot.

### Effective Date

The amendments made by this Act are applicable to questions approved for submission to the voters by the Board of Selectmen, Town Council or City Council (with the Mayor's approval if required by law) on or after July 15, 1987.

If on or before July 14, 1987, the relevant governmental body approved a question for submission to the voters at an election to be held after July 14, 1987, the ballot question will still be valid, provided it was approved in the manner and form required by law when approved. If valid, the question will be approved if a majority of those voting vote "yes", even if it would have required a two-thirds vote under prior law.

### GUIDELINES:

1. An override question may be placed on the ballot by a majority vote of all members of the Board of Selectmen, Town Council or City Council (with the Mayor's approval if required by law).
2. Any override question approved by the relevant governmental body must be in the following form:

Shall the (city/town) of \_\_\_\_\_ be  
allowed to assess an additional \$ \_\_\_\_\_ in real  
estate and personal property taxes for the purposes  
of (state the purpose(s) for which the monies from  
this assessment will be used) for the fiscal year  
beginning July first nineteen hundred and \_\_\_\_\_?

Yes \_\_\_\_\_

No \_\_\_\_\_

3. More than one override question may be placed on a regular or special municipal election ballot. The limitation on the total number of Proposition 2 1/2 referenda questions which may be placed on a state biennial election ballot (three) still applies.

If more than one override question is approved, the question with the greater amount will be the one which applies.

4. All override questions will now only require a majority vote to be approved.
5. In cases where on or before July 14, 1987 the relevant governmental body had approved an override question for placement on the ballot of an election being held after July 14, 1987, the question will be approved if:
  - a. It was approved for submission to the voters in the manner and form required by the law at that time, and
  - b. A majority of the voters approve the question.
6. An underide question may be placed on the ballot by a majority vote of all members of the Board of Selectmen, Town Council or City Council (with the Mayor's approval if required by law) or by the people where local charter or by-law authorizes an initiative procedure.



**§ 7. Purposes for Which Cities and Towns May Borrow within the Debt Limit.**

Cities and towns may incur debt, within the limit of indebtedness prescribed in section ten, for the purposes hereinafter set forth, and payable within the periods hereinafter specified:

(1) For the construction or reconstruction of surface drains, sewers, sewerage systems and sewage treatment and disposal facilities, thirty years.

(1A) For the lining by cement or metal of sewers constructed for sanitary and surface drainage purposes and for sewage disposal, ten years.

(2) For acquiring land for public parks or playgrounds or public domain under chapter forty-five, thirty years; but no indebtedness incurred for public domain shall exceed one half of one per cent of the equalized valuation of the city or town.

(2A) For the construction of an artificial ice-skating rink for which refrigeration equipment is required on land owned by the city or town, fifteen years.

(2B) For the construction of an outdoor swimming pool on land owned by the city or town, fifteen years.

(3) For acquiring land, or interests in land, for any purpose for which a city or town is or may hereafter be authorized to acquire land or interests therein, not otherwise specifically provided for; for the construction of buildings which cities or towns are or may hereafter be authorized to construct, or for additions to such buildings where such additions increase the floor space of said buildings, including the cost of original equipment and furnishings of said buildings or additions, twenty years.

(3A) For remodeling, reconstructing or making extraordinary repairs to public buildings owned by the city or town such amounts as may be approved by the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, and for such maximum term, not exceeding ten years, as said board shall fix. Each city or town seeking approval by the board of a loan under this clause for the remodeling, reconstruction or repair of a public building shall submit to said board all plans and other information considered by the board to be necessary for a determination of the probable extended use of such building, likely to result from such remodeling, reconstruction or repair, and in considering approval of any such requested loan and the term thereof, special consideration shall be given to such determination.

members of the emergency finance board, when acting on loans or this clause shall receive compensation to the same extent as provided under chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended, including chapter seventy-four of the acts of nineteen hundred and forty-five.

(3B) For energy conservation and alternative energy improvements to public buildings or facilities owned by the city or town, ten years.

(4) For the construction or reconstruction of bridges of stone or concrete or of iron superstructure, twenty years.

(4A) For the construction of incinerators and refuse transfer facilities within the city or town for the purpose of disposing of waste, refuse and garbage, twenty years.

(4B) For remodeling, reconstructing or making extraordinary repairs to incinerators owned by the city, town or district, and used for the purpose of disposing of waste, refuse and garbage, such amounts as may be approved by the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, and for such maximum term, not exceeding ten years, as said board shall fix; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental quality engineering and the approval of said department has been granted therefor.

(5) For the original construction of public ways or the extension or widening thereof, including land damages and the cost of pavement sidewalks laid at the time of said construction, or for the construction of stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character, or for the original construction and surfacing or the resurfacing with such pavement of municipally owned and operated off-street parking areas, under specifications approved by the department of public works, ten years.

(6) For macadam pavement or other road material, or for the resurfacing with such pavement or other road material of municipally owned and operated off-street parking areas, under specifications approved by the department of public works, or for the construction of sidewalks of brick, stone or concrete, five years.

(7) For the construction of walls or dikes for the protection of highways or property, ten years.

(8) For the purchase of land for cemetery purposes, ten years.

(9) For the cost of additional departmental equipment, five years.

(10) For connecting dwellings or other buildings with common sewers, when the cost is to be assessed in whole or in part on the abutting property owners, five years.

(11) For the payment of final judgments rendered after the fixing of the tax rate for the current fiscal year for which other provision has not been made, one year.

(12) [See 1974 Editorial Note.]

(13) In Boston, for acquiring fire or police boats, fifteen years.

(14) For traffic signal, or public lighting installations, fire alarm or police communication installations and for the purpose of extending and improving such installations, ten years.

(15) In Boston, for the original construction, or the extension or widening, with permanent pavement of lasting character conforming to specifications approved by the state department of public works and under the direction of the board of park commissioners of the city of Boston, of ways, other than public ways, within or bounding on or connecting with any public park in said city, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of such ways with stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character under specifications approved by said department of public works, ten years.

(16) For the payment of premiums for fire insurance contracts or policies covering a period of five years, four years.

(17) For improvements made under section twenty-nine of chapter ninety-one and for the construction or reconstruction of public wharves, ten years.

(18) For the payment of charges incurred under contracts authorized by section four of chapter forty for the expert appraisal of taxable property or for the preparation of assessors' maps, two years.

(19) For the payment of charges incurred under contracts authorized by section four D of chapter forty, but only for such contracts as are for purposes comparable to the purposes for which loans may be authorized under the provisions of this section. Each authorized issue shall constitute a separate loan, and such loans shall be subject to the conditions of the applicable clauses of this section.

(20) For developing land for burial purposes and for constructing paths and avenues and embellishing the grounds in said developed

areas in a cemetery owned by the city or town, five years. The proceeds from the sale of the exclusive rights of burials in any of the lots in such cemetery shall be kept separate from other funds and be appropriated for the payment of any indebtedness incurred for such developments, notwithstanding the provisions of section fifteen of chapter one hundred and fourteen.

(21) For the cost of architectural services for plans and specifications for any proposed building for which a city, town or district is authorized to borrow, or for the cost of architectural services for plans and specifications for additions to buildings owned by a city, town or district where such additions increase the floor space of said buildings, if authorized separately from any other debt relating to said buildings or additions, five years; provided, however, that at the time the loan is authorized the city, town or district owns the land on which the proposed building or addition would be constructed.

(22) For the cost of engineering or architectural services for plans and specifications for any project not defined in clause (21) for which a city or town is authorized to borrow, if authorized separately for any other debt relating to said project, five years.

(23) For the construction of municipal tennis courts, including platform tennis courts and the acquisition of land and the construction of buildings therefor, including the original equipment and furnishing of said buildings, fifteen years.

(24) For the purpose of closing out a landfill area, opening a new landfill area, or making improvements to an existing landfill area, fifteen years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental quality engineering and the approval of said department has been granted therefor.

(25) For the construction of municipal outdoor recreational and athletic facilities, including the acquisition and development of land and the construction and reconstruction of facilities; fifteen years.

(26) For energy audits as defined in section three of chapter twenty-five A, if authorized separately from debt for energy conservation or alternative energy projects; five years.

(27) For the undertaking of projects for the preservation and restoration of publicly-owned freshwater lakes and great ponds in accordance with the provisions of section thirty-seven A of chapter twenty-one.

Debts may be authorized under this section only by a two-thirds vote.



(28) For the development, design, purchase and installation of computer hardware, other data processing equipment and computer assisted integrated financial management and accounting systems; ten years.

(29) For the development, design, purchase of computer software incident to the purchase, installation and operation of computer hardware and other data processing equipment and computer assisted integrated financial management and accounting systems; five years. (PS 29, § 8; RL 27, § 11; RL 28, §§ 10, 21, 29; RL 49, § 31; 1882, 154, § 9; 1882, 255, § 7; 1892, 245, § 6; 1893, 225, § 3; 1894, 221; 1899, 319, § 1; 1903, 375; 1908, 341, § 3; 1913, 564, §§ 1, 5; 1913, 714, § 5; 1913, 719, §§ 1, 5, 6; 1915, 162, § 1; 1916, 111, § 1; 1919, 61, § 2; GL 44, § 8; 1920, 114; 1923, 338; 1928, 64; 1928, 324; 1931, 164; 1936, 224, § 5; 1936, 224, § 5; 1946, 358, §§ 13, 14; 1947, 101; 1947, 207, § 1; 1948, 275, § 5; 1948, 383; 1951, 54; 1951, 181, §§ 1, 2; 1951, 282, §§ 1, 2; 1952, 38; 1953, 100; 1955, 85, § 2; 1955, 716, § 2; 1956, 596, § 1; 1957, 219; 1959, 73, § 2; 1962, 380; 1963, 81; 1964, 28; 1965, 206, § 1; 1965, 581, § 1; 1966, 63, § 3; 1966, 234, § 1; 1967, 883, § 2; 1968, 228, § 1; 1969, 481, §§ 1-3; 1969, 849, §§ 49, 50; 1970, 63; 1970, 79, §§ 1, 2; 1971, 54; 1971, 766, § 11; 1973, 57; 1973, 401; 1974, 88, § 1; 1975, 184; 1976, 11, § 1; 1976, 189; 1976, 404; 1977, 121; 1977, 232, § 2; 1978, 119, §§ 2, 3; 1979, §§ 6, 7; 1981, 101, approved April 24, 1981, effective 90 days thereafter; 1981, 628, § 3, approved December 14, 1981, effective 90 days thereafter; 1982, 98, approved May 26, 1982, effective 90 days thereafter.)

**Editorial Note—**

The 1946 amendment made changes in the preliminary paragraph and repealed clause (12).

The first 1947 amendment made changes in clause (5).

The second 1947 amendment inserted the former clause (3A) and made further changes in the preliminary paragraph.

The first 1948 amendment by section 3 amended the first paragraph of this section by striking out the reference therein to clause (3A); by section 4 it struck out clause (3A); and by section 1 it provided (outside of the General Laws) for borrowings similar to those formerly provided for by clause (3A). (Section 2 refers to compensation of members of the Emergency Finance Board.)

The second 1948 amendment added clause (15).

The first 1951 amendment affected only the former first paragraph of the section, inserting the former words "or trailers" and making a minor corrective change.

The second 1951 amendment by section 1 amended the first paragraph of the instant section by inserting therein a former reference to clause (16), and by section 2 added a new clause (16).

The third 1951 amendment inserted in clauses (5) and (6) references to original construction and surfacing, etc., of municipally owned and operated off-street parking areas.

section. A payment made by a city, town or district as provided in the preceding sentence shall be reported by the auditor or accountant of the city, town or district, or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor.

**History—**

Amended by 1984, 236, approved, with emergency preamble, July 21, 1984.

**Editorial Note—**

The 1984 amendment substantially rewrote the section, eliminating reference to specific expenses which cities, towns or districts may borrow in anticipation of reimbursement, in favor of language authorizing borrowing in anticipation of grants or reimbursements for any purpose for which the city, town or district may incur debt that may be payable over a term of 5 years or longer.

**§ 7. Purposes for Which Cities and Towns May Borrow within the Debt Limit.**

Cities and towns may incur debt, within the limit of indebtedness prescribed in section ten, for the purposes hereinafter set forth, and payable within the periods hereinafter specified:

[No change through clause (3).]

[Clause (3A) is amended to read as follows:]

(3A) For remodeling, reconstructing or making extraordinary repairs to public buildings owned by the city or town, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, such amounts as may be approved by the emergency finance board established under the provisions of section forty-seven of chapter ten, and for such maximum term, not exceeding twenty years, as said board shall fix. Each city or town seeking approval by the board of a loan under this clause shall submit to said board all plans and other information considered by the board to be necessary for a determination of the probable extended use of such building likely to result from such remodeling, reconstruction or repair, and in considering approval of any such requested loan and the terms thereof, special consideration shall be given to such determination.

[No change through clause (4).]

(4A), (4B) [Stricken]

(5) For the original construction of public ways or the extension or widening thereof, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character, or for the original construction and surfacing or the resurfacing with such pavement of municipally owned and operated off-street parking areas, under specifications approved by the department of highways, ten years.

(6) For macadam pavement or other road material, or for the resurfacing with such pavement or other road material of municipally owned and operated off-street parking areas, under specifications approved by the

department of highways, or for the construction of sidewalks of brick, stone or concrete, five years.

[No change through clause (8).]

[Clause (9) is amended to read as follows:]

(9) For the cost of departmental equipment, five years or for such maximum term, not exceeding fifteen years, as may be approved by the emergency finance board established under the provisions of section forty-seven of chapter ten. Each city or town seeking approval by the board under this clause for the cost of departmental equipment shall submit to said board any information considered by the board to be necessary for a determination of the probable useful life of such equipment.

[The following clause is added:]

(9A) For the remodeling, reconstruction or rehabilitation of existing firefighting apparatus and heavy equipment including, but not limited to, front-end loaders, road graders, sidewalk plows and motorized sweepers; five years.

[No change in clause (10).]

[Clause (11) is amended to read as follows:]

(11) For the payment of final judgments, one year.

[No change through clause (14).]

(15) In Boston, for the original construction, or the extension or widening, with permanent pavement of lasting character conforming to specifications approved by the state department of highways and under the direction of the board of park commissioners of the city of Boston, of ways, other than public ways, within or bounding on or connecting with any public park in said city, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of such ways with stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character under specifications approved by said department of highways, ten years.

[No change through clause (17).]

[Clause (18) is amended to read as follows:]

(18) For the payment of charges incurred under contracts authorized by section four of chapter forty for the expert appraisal of taxable property or for the preparation of assessors maps, two years; provided, however, for the payment of charges for aerial mapping in connection with the preparation of such maps, ten years.

[No change through clause (21).]

[Clause (22) is amended to read as follows:]

(22) For the cost of engineering or architectural services for plans and specifications for any project not defined in clause (21) for which a city or town is authorized to borrow, if authorized separately from any other debt relating to said project, five years.

[No change in clause (23).]

(24) [Stricken]



certain appropriations of cities or towns are emergency appropriations within the provisions of GL c 44 § 7. 4 Op Atty Gen 134.

### 3. Particular purposes

**Statutory procedure for taking must be followed.**—In taking land for park purposes under clause (2) of GL c 44 § 7, the statutory procedure for the taking of land must be followed, and it is not enough for the mayor and council to adopt an order reciting the appropriation of a certain sum of money for the purposes specified in clause (2) without any description of the land to be taken. *Reed v Springfield* (1927) 258 Mass 115, 154 NE 554. For further discussion of this case, see case note to GL c 40 § 14 under the caption "Method of taking herein mentioned must be followed."

**Satisfaction of judgment distinguished from voluntary payment.**—For a case in which it was held that a city treasurer could not properly make voluntary payments without compliance with statutory requirements as to the approval of such payments by the city auditor or similar officer, in which it was pointed out that the obligation of a city to make a payment where an action is brought against the courts stands on a different footing from a voluntary payment, and in which clause (11) of GL c 44 § 7 relating to the satisfaction of final judgments against municipalities was referred to, see *Lowell v Massachusetts Bonding & Ins. Co.* (1939) 304 Mass 153, 23 NE2d 91.

GL c 44 § 7 expressly sanctions municipal airports.—GL c 44 § 7, regulating the establishment, maintenance and supervision of airports and landing fields, may be said to express legislative sanction of the municipal airport as a public purpose. *Burnham v Beverly* (1941) 309 Mass 388, 35 NE2d 242.

**Municipality provides funds for board of park commissioners.**—Under GL c 40 § 5(5) and last clause, c 45 § 3, c 40 § 14, and c 44 § 7(2), a municipality provides funds for the board of park commissioners of the municipality. *Kaczmariski v Mayor of Springfield* (1963) 346 Mass 432, 193 NE2d 574.

**Alteration of schoolhouse.**—Cities and towns are prohibited by law from issuing notes in payment for work in a schoolhouse, unless it is for an addition to the building which increases its floor space. 5 Op Atty Gen 397.

**A municipality is without authority to borrow money for the purpose of reimbursing its treasury for money already expended.** 1937 Op Atty Gen 110.

**"Land," as used in GL c 44 § 7(3), has the meaning as defined in GL c 4 § 7(17), and thus includes buildings.** 1970-1971 Op Atty Gen No 30.

**A town's authority to incur debt under GL c 44 § 7(3) for the acquisition of land which it is authorized to acquire under GL c 45 § 3 is not affected by the fact that the land has been improved by the presence of buildings.** 1970-1971 Op Atty Gen No 30.

## § 8. Purposes for Which Cities and Towns May Borrow Outside the Debt Limit.

Cities and towns may incur debt, outside the limit of indebtedness prescribed in section ten, for the following purposes and payable within the periods hereinafter specified:

- (1) For temporary loans under sections four, five, five A and seventeen, one year, and under sections six and six A, two years.
- (2) For maintaining, distributing and providing food, other common necessities of life and temporary shelter for their inhabitants



upon the occasions and in the manner set forth in section nineteen of chapter forty, two years.

(3) For establishing or purchasing a system for supplying a city, town, or district and its inhabitants with water, for taking or purchasing water sources, either from public land or private sources, or water or flowage rights, for the purpose of a public water supply, or for taking or purchasing land for the protection of a water system, thirty years.

(3A) For conducting groundwater inventory and analysis of the community water supply, including pump tests and quality tests relating to the development of using said groundwater as an additional source or a new source of water supply for any city, town or district, ten years.

(4) For the construction or enlargement of reservoirs, and the construction of filter beds, standpipes, buildings for pumping stations including original pumping station equipment, and buildings for water treatment, including original equipment therefor, and the acquisition of land or any interest in land necessary in connection with any of the foregoing, thirty years.

(4A) For remodeling, reconstructing or making extraordinary repairs to reservoirs and filter beds, such amounts as may be approved by the emergency finance board, thirty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental quality engineering, and the approval of said department has been granted therefor.

(5) For the laying and relaying of water mains of not less than six inches but less than sixteen inches in diameter, and for lining and relining such mains with linings of not less than one-sixteenth of an inch, for the development of additional well fields, for wells and for pumping station equipment, forty years.

(6) For constructing and reconstructing and laying and relaying aqueducts and water mains of sixteen inches or more in diameter, and for lining such mains with linings of not less than one-sixteenth of an inch, forty years.

(7) For the extension of water mains, forty years.

(7A) For the purchase and installation of water meters, ten years.

(7B) For the payment of the town's share of the cost to increase the storage capacity of any reservoir, including land acquisition, constructed by the water resources commission for flood prevention or water resources utilization, twenty years.

(7C) For the purchase, replacement or rehabilitation of water departmental equipment, ten years.

(8) For establishing, purchasing, extending or enlarging a gas or electric lighting plant, or a community antenna television system, whether or not operated by a gas or electric lighting plant, within the limits of the territory within which such gas, electric plant, or community antenna television system is authorized to distribute its products, twenty years; but the outstanding indebtedness so incurred shall not exceed in a town five per cent and in a city two and one half per cent of the equalized valuation of such town or city; provided, however, that the emergency finance board, established under chapter forty-nine of the acts of nineteen hundred and thirty-three, may authorize a city to incur indebtedness under this clause in excess of two and one half per cent but not in excess of five per cent of the equalized valuation of such city, and may authorize a town to incur indebtedness under this clause in excess of five per cent but not in excess of ten per cent of the equalized valuation of such town.

(8A) For remodeling, reconstructing or making extraordinary repairs to a gas or electric lighting plant, or a community antenna television system, when approved by the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, for such number of years not exceeding ten, as said board shall fix; provided, however, that the indebtedness incurred hereunder shall be included in the limit of indebtedness for gas and electric lighting plants, or community antenna television systems as set forth in clause (8). Each city or town seeking approval by said board of a loan under this clause shall submit to it all plans and other information considered by the board to be necessary for a determination of the probable extended use of such plant or community television antenna system likely to result from such remodeling, reconstruction or repair, and in considering approval hereunder of a requested loan and the terms thereof, special consideration shall be given to such determination.

(9) For such emergency appropriations as shall be approved by a majority of the members of a board composed of the attorney general, the state treasurer and the director, but not more than two years as determined by the board. As used in this clause, emergency means a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval. Emergency shall not be deemed to include the funding of collective bargaining agreements or such items as were previously disapproved by the appropriating authority for the fiscal year in which such borrowing is sought.

(10) For acquiring land or constructing buildings or other structures, including the cost of original equipment, as memorials to members of the army, navy, marine corps, coast guard, or air force, twenty years; but the indebtedness so incurred shall not exceed one half of one per cent of the equalized valuation of the city or town.

The designation of any such memorial shall not be changed except after a public hearing by the board of selectmen or by the city council of the municipality wherein said memorial is located, notice of the time and place of which shall be given, at the expense of the proponents, by the town or city clerk as the case may be, by publication not less than thirty days prior thereto in a newspaper, if any, published in such town or city; otherwise, in the county in which such town or city lies; and notice of which shall also have been given by the proponents, by registered mail, not less than thirty days prior to such hearing, to all veterans' organizations of such town or city.

[Clause (11) was deleted by Acts 1968, 23 § 4.]

(12) For acquiring street railway property under sections one hundred and forty-three to one hundred and fifty-eight, inclusive, of chapter one hundred and sixty-one, operating the same, or contributing toward the sums expended or to be expended by a transportation area for capital purposes, ten years; but the indebtedness so incurred shall not exceed two per cent of the equalized valuation of the city or town.

(13) For the acquisition, construction, establishment, enlargement, improvement or protection of public airports, including the acquisition of land, ten years; but the outstanding indebtedness so incurred shall not exceed one per cent of the equalized valuation of the city or town. The proceeds of indebtedness incurred hereunder may be expended for the acquisition, construction, establishment, enlargement, improvement or protection of such an airport, including the acquisition of land, jointly by two or more municipalities.

(14) For the financing of a program of eradication of Dutch elm disease, including all disbursements on account of which reimbursement is authorized or may be authorized by the commonwealth, county, any city or town, or by any manner of assessment or charges, pursuant to and consistent with the provisions of chapter one hundred and thirty-two, five years.

(15) For the construction of sewers, sewerage systems, and sewage treatment and disposal facilities, or for the lump-sum payment of the cost of a tie-in to such services in a contiguous city or town, such amounts and for such periods of time as may be approved by the emergency finance board but not exceeding thirty years.

(16) For the construction of municipal golf courses, including the acquisition of land, the construction of buildings, and the cost of original equipment and furnishings, twenty years.

(17) For the payment of charges incurred under contracts authorized by section four D of chapter forty, but only for such contracts as are for purposes comparable to the purposes for which loans may be authorized under the provisions of this section. Each authorized issue shall constitute a separate loan, and such loans shall be subject to the conditions of the applicable clauses of this section.

(18) For the construction of a regional incinerator for the purpose of disposing solid waste, refuse and garbage by two or more communities, twenty years, but the indebtedness so incurred shall not exceed three per cent of the last preceding equalized valuation of the city or town and shall be subject to the approval of the emergency finance board.

(19) For the lending or granting of money to industrial development financing authorities and economic development and industrial corporations, with the approval of the emergency finance board, the department of commerce and development and the secretary of communities and development. For the purpose of this clause the city or town may borrow outside its debt limit to an amount not to exceed one hundred thousand dollars or two and one half per cent of its equalized valuation, whichever is the lesser.

(20) For the purposes of implementing project financed in whole or part by the Farmers Home Administration of the United States Department of Agriculture, pursuant to the provisions of 7 USC 1921, et seq., with the approval of the Emergency Finance Board, for the portion of the project so financed and for such amounts as so approved, up to forty years.

Debts, except for temporary loans, may be authorized under this section only by a two thirds vote.

Debts for purposes mentioned in clauses (3), (4), (4A), (5), (6), (7), (7A) and (7B) of this section shall not be authorized to an amount exceeding ten per cent of the equalized valuation of the city or town. (PS 27, §§ 28, 29; PS 29, §§ 7, 8; RL 25, § 32; RL 27, §§ 5, 8, 11; 1870, 93, §§ 2, 3; 1873, 255; 1875, 209, §§ 3, 4; 1891, 370, § 4; 1892, 245, § 6; 1894, 182; 1895, 488, § 21; 1903, 375; 1908, 341, § 2; 1913, 719, §§ 1, 5, 6; 1914, 143, § 3; 1914, 742, § 98; 1915, 115; 1918, 205, § 4; 1919, 61, § 2; 1920, 292, § 2; 1920, 591, § 10; 1920, 599, § 11; 1921, 486, § 11; GL 44, § 7; 1923, 303, § 1; 1926, 45; 1926, 317; 1928, 291; 1938, 172, § 5; 1939, 457; 1941, 83; 1946, 358, § 15; 1947, 298,



[No change in balance of section as appearing in bound volume.]

[The following clauses are added:]

(30) For installation, repair or replacement of exposed structural or miscellaneous steel, which has been treated with the hot-dip galvanizing process; three years.

(31) For the purpose of removing asbestos from municipally owned buildings; ten years.

#### History—

Amended by 1983, 83, approved May 5, 1983, effective 90 days thereafter; 1983, 88, approved May 10, 1983, effective 90 days thereafter; 1987, 163, approved June 22, 1987, effective 90 days thereafter; 1987, 584, §§ 12, 13, approved with emergency preamble, December 17, 1987; 1989, 171, approved June 27, 1989, effective 90 days thereafter; 1989, 341, § 26, approved, with emergency preamble, August 15, 1989; 1989, 594, §§ 1-3, approved and effective by Act of Governor Dec. 8, 1989; 1991, 552, § 37, approved Jan 9, 1992, effective 90 days thereafter.

#### Editorial Note—

The first 1983 amendment added clause (9A), concerning the remodeling, reconstruction or rehabilitation of existing firefighting apparatus and heavy equipment.

The second 1983 amendment added clause (30), authorizing the borrowing of money for the installation, repair or replacement of galvanized materials.

The first 1987 amendment, in clause (18), added language relating to aerial mapping.

The second 1987 amendment deleted clauses (4A) and (4B), relating to the construction, remodeling, repair or reconstruction of incinerators and the construction of refuse transfer facilities, as well as clause (24), relating to opening, closing, or improving landfill areas. Section 19 of the amending act provides as follows:

SECTION 19. The provisions of sections twelve, thirteen and fourteen of this act shall not affect any debt heretofore issued or authorized but unissued under clause (4A), (4B) or (24) of section seven of chapter forty-four of the General Laws.

The first 1989 amendment added clause (31).

The second 1989 amendment, in clause (22), following "separately", substituted "from" for "for".

The third 1989 amendment, in the first sentence of clause (3A), following "city or town", inserted ", including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair,"; substituted "the provisions of section forty-seven of chapter ten" for "section one of chapter forty-nine of the acts of nineteen hundred and thirty-three", and "twenty years" for "ten years", in the second sentence, following "this clause", deleted "for the remodeling, reconstruction or repair of a public building" and following "such building", deleted a comma, and deleted a third sentence regarding compensation for loans received by members of the emergency finance board, rewrote clause (9) relative to debts issued by cities and towns for the cost of departmental equipment, and rewrote clause (11) to read "For the payment of final judgments, one year."

The 1991 amendment, in clauses (5) and (6), substituted "highways" for "public works" and in clause (15), substituted "highways" for "public works" in two instances.

### § 8. Purposes for Which Cities and Towns May Borrow Outside the Debt Limit.

Cities and towns may incur debt, outside the limit of indebtedness prescribed in section ten, for the following purposes and payable within the periods hereinafter specified:

(1) For temporary loans under sections four, six, six A, seventeen and seventeen A, the periods authorized by those sections.

[No change through paragraph (4).]

(4A) For remodeling, reconstructing or making extraordinary repairs to reservoirs and filter beds, such amounts as may be approved by the

emergency finance board, thirty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection, and the approval of said department has been granted therefor.

[No change through paragraph (18).]

(19) For the lending or granting of money to industrial development financing authorities and economic development and industrial corporations, with the approval of the emergency finance board, the Massachusetts office of business development and the secretary of communities and development. For the purpose of this clause the city or town may borrow outside its debt limit to an amount not to exceed one hundred thousand dollars or two and one half per cent of its equalized valuation, whichever is the lesser.

(20) For the purposes of implementing project financed in whole or in part by the Farmers Home Administration of the United States Department of Agriculture, pursuant to the provisions of 7 USC 1921, et seq., with the approval of the Emergency Finance Board, for the portion of the project so financed and for such amounts as so approved, up to forty years. Regional school districts established pursuant to the provisions of any general or special law shall be authorized to incur debt for the purposes and within the limitations described in this clause.

(21) For the cost of cleaning up or preventing pollution caused by existing or closed landfills or other solid waste disposal facilities, including clean up or prevention activities taken pursuant to chapter twenty-one E or chapter twenty-one H, thirty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(22) For the construction of incinerators, refuse transfer facilities, recycling facilities, composting facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, for the purpose of disposing of waste, refuse and garbage, twenty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(23) For remodeling, reconstructing or making extraordinary repairs to incinerators, refuse transfer facilities, recycling facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, owned by the city, town or district, and used for the purpose of disposing of waste, refuse and garbage, such amounts as may be approved by the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, and for such maximum term, not exceeding ten years, as said board shall fix; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(24) For the purpose of closing out a landfill area, opening a landfill area, or making improvements to an existing landfill area, five years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

[No change in balance of section.]

#### History—

Amended by 1983, 578, § 1, approved, with emergency preamble, Dec 16, 1983; 1987, § 58, approved under the provisions of Article LXXXVII of the Amendments to the Constitution and Joint Rule 23A by the House of Representatives on Sept 30, 1987, and by the Senate on Oct 5, 1987, by § 88, effective Nov 11, 1987; 1987, 584, § 14, approved, with emergency preamble, Dec 17, 1987; 1989, 365, approved, with emergency preamble, Sept 25, 1989; 1990, 177, § 126, approved, with emergency preamble, Aug 7, 1990; 1992, 286, § 123, approved, with emergency preamble, Dec 23, 1992.

#### Editorial Note—

The 1983 amendment rewrote paragraph (1), deleting the words "five, five A, and seventeen one year, and under sections six and six A, two years" and inserting in place thereof the words "six, six A, seventeen and seventeen A, the periods authorized by those sections".

The first 1987 amendment, in the first sentence of paragraph (19), following "emergency finance board, the", substituted "Massachusetts office of business" for "department of commerce and".

The second 1987 amendment added paragraphs (21)-(24). Section 19 of the amending act provides as follows:

SECTION 19. The provisions of sections twelve, thirteen and fourteen of this act shall not affect any debt heretofore issued or authorized but unissued under clause (4A), (4B) or (24) of section seven of chapter forty-four of the General Laws.

The 1989 amendment inserted the second sentence in paragraph (20) allowing regional school districts to incur debt financed by the Farmers Home Administration of the United States Department of Agriculture.

The 1990 amendment, in paragraphs (21), (22), (23), and (24), substituted "protection" for "quality engineering", wherever appearing.

The 1992 amendment, in paragraph (4A), substituted "protection" for "quality engineering".

#### BONDS, NOTES AND CERTIFICATES OF INDEBTEDNESS

### § 16. Issue of Bonds, Notes, etc.; Consolidation, etc., of Municipal Purpose Bonds.

A city, town or district which has authorized a debt to be incurred within the limitations, as to amount and time of payment, prescribed by this chapter may issue therefor bonds or notes, or, in the case of a city, certificates of indebtedness, all of which shall be properly denominated on the face thereof, signed by its treasurer, and, if issued by a city, countersigned by its mayor, unless its charter otherwise provides, or, if issued by a town, by a majority of its selectmen, or, if issued by a district, by a majority of the prudential committee, if any, otherwise by a majority of the commissioners, and by any other officers, boards or commissioners of a city, town or district whose counter-signatures may be required by law, at such rate or rates of interest as may be deemed proper; and such city, town or district may, except as provided in section eighteen, sell such bonds, notes or certificates of indebtedness at not less than ninety-eight per cent of their

# CITY & Town



A monthly publication of the Massachusetts Department of Revenue's Division of Local Services

## POLITICAL FINANCE LAW AND THE OVERRIDE PROCESS

In the current climate of fiscal stress facing cities and towns, many communities across the state are considering Proposition 2½ referenda questions to balance budgets and maintain, as well as expand services. It is critical that local officials understand the laws regulating municipal elections and the use of municipal personnel, resources and facilities to advocate for or oppose questions.

The Division of Local Services does not regulate these areas. However, in our role of assisting cities and towns, we seek to provide as much guidance to communities in this area as possible. Local officials should contact the Office of Campaign and Political Finance with questions about advocacy issues and they should contact the Secretary of State about election law issues. Information on contacting these offices is provided at the end of this article.

This article provides information on campaign finance issues and a future piece will examine election law issues. We hope you find the following information helpful.

The Campaign Finance Law (M.G.L Chapter 55 hereafter referred to as "Chapter 55") governs the raising and spending of money for candidates, political committees, political parties and ballot questions at the state, county and municipal levels in the Commonwealth. The law also regulates the conduct of public employees and officials wishing to undertake campaign finance activity. The provisions of the law apply to "contributions and expenditures" made to oppose or promote referenda questions appearing on the municipal ballot.

In general, the law's prohibitions on campaign finance activity by public employees and the use of government resources to promote or oppose ballot issues serve two purposes: 1) public employees are protected from coercion to perform political duties as a re-

quirement of their employment and 2) government activities are separated from political activities, assuring that the full force of government is not supporting one political position at the expense of another. The restrictions imposed by Chapter 55 are intended to keep political fund raising and disbursing out of the hands of non-elective public employees and out of the halls of city and town government. Fairness is assured by prohibiting the use of public tax revenues to advocate a position which some taxpayers oppose. Specific issues for local officials to consider include:

**At what point does the law apply to a referenda question?** - When a warrant is debated at town meeting to place an override question on the ballot and it is determined that the question will appear there, the provisions of campaign finance law become applicable. Any contributions or expenditures made thereafter for the purpose of opposing or promoting the question are subject to the provisions of Chapter 55.

**The conduct of public employees** - Sections 13 and 15 of Chapter 55 contain certain prohibitions against public employees participating in campaign finance activity while sections 16 and 17 provide protection for public employees in the work place. All public employees (except elected officials who are not otherwise public employees) are prohibited from soliciting or receiving any contribution for any political purpose. A teacher, policeman or firefighter, for example, would not be allowed to solicit or receive anything of value in order to promote or oppose an override question. The employee is free, however, to make a contribution to promote or oppose an override question or to work toward such an end on his or her own time if such activities do not involve fund raising. People in "public service" are also prohibited from giving or delivering anything of value to another person in the public service if it is intended to be applied to a political object

(Continued on the next page)



## POLITICAL FINANCE LAW AND THE OVERRIDE PROCESS

(Continued from the previous page)

Also, persons in public service are protected from any obligation to contribute to any political fund or to render any political service. They are likewise protected from discharge, promotion or degradation in their jobs for refusing to make a political contribution. In general, section 14 of Chapter 55 prohibits anyone from soliciting or receiving any contribution for any political purpose in a public building. Persons doing business with the Commonwealth, a county, municipality, or district are protected against coercion to contribute to political funds or to render political services.

**The use of government resources** - In *Anderson v. City of Boston*, 376 Mass. 178 (1978), the Supreme Judicial Court addressed the question of whether municipalities have the authority to appropriate and expend funds for the purpose of engaging in any activity designed to influence the results of a referendum question without specific authority to do so. The Court concluded that municipalities do not have such authority. Therefore, government resources such as personnel, supplies, facilities, and equipment should not be utilized by any person in order to promote or oppose a referenda question. In addition, municipal funds should not be used to prepare, print and distribute materials which are intended to inform the voter but which promote or oppose the override issue. In general, government funds should not be expended for ballot question issues. If a municipality is contemplating such an expenditure, the Office of Campaign and Political Finance should be consulted.

**Privately-funded political committees and other permissible activities** - Government officials and municipal employees who wish to oppose or promote a referenda question may use privately donated funds to do so. A separate political committee should be established with the municipal clerk. This committee may then be used to raise and expend funds to promote or oppose the ballot question. Public employees should not solicit or receive any contributions on behalf of the committee, though they may make personal contributions. Materials prepared by a town committee which promotes or opposes an override may be duplicated and distributed at the private expense of the political committee. Opposition to or promotion of a referenda question should be supported by private rather than public funds.

Public employees may work on a volunteer basis, on their own time, on a referenda question provided that such work is not in a fund raising capacity. They may speak in favor of or in opposition to an override issue during debate and may also speak in other contexts, as long as they take care not to use government resources to underwrite such activity.

The Office of Campaign and Political Finance encourages interested parties to contact the Office with any questions at One Ashburton Place, Room 1007, Boston, MA 02108 (617) 727-8352. The Election Division, Office of the Secretary of State can be reached at (617) 727-2828.

## THE LATEST IN TECHNICAL ASSISTANCE

### SHERBORN: Revenue and Expenditure Forecast

The Division of Local Services recently completed a forecast for the town of Sherborn. The three year forecast was prepared at the request of the Board of Selectmen and reviewed the town's current financial condition and compared the cost of maintaining the current (FY90) level of services for the next three fiscal years to projected revenues. The forecast classifies the difference between projected annual revenues and expenditures as funds available for discretionary purposes. These funds are an estimate of the town's ability, using current sources of revenue, to expand existing services, initiate new services, provide for salary increases, or finance capital expenditures.

### LUNENBURG AND SHIRLEY: Fiscal Impact of Proposed School Regionalization

At the request of the Lunenburg and Shirley Boards of Selectmen, a technical assistance team, with assistance from the Massachusetts Department of Education, prepared fiscal impact studies of the proposed regionalization of the Lunenburg and Shirley school systems. The reports analyze the fiscal impact on the towns resulting from the shift in current local education costs to a regional district. Factors considered in the analysis include projected reductions in local annual costs, offsetting increases regional school assessments and changes in direct state aid to the towns.

5/4/93  
①

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 4/6/93

TO: JOHN MURRAY

FROM: CATHY BELBIN

SUBJECT: COSTS FOR SPECIAL TOWN ELECTION AND SPECIAL TOWN MEETING

The costs that I have come up with for a special town election and a special town meeting are as follows:

SPECIAL TOWN ELECTION

Printing of ballots	\$1075.00
Programming for ballots	250.00
Personnel at Polls (7:00 a.m. - 8:00 p.m.) and for tallying results	2900.00
Police Coverage	1300.00
Highway Department Costs	650.00
Municipal Properties Costs	240.00
Custodian (for Conant School only)	110.00
Miscellaneous Costs	35.00
Personnel (Clerk's office)	1600.00

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Total Cost for Special Town Election	\$8160.00
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SPECIAL TOWN MEETING

Printing of Warrant	500.00
Personnel (Election Workers)	450.00
Police Coverage	400.00
Municipal Properties Costs	75.00
Custodians	320.00
Personnel (Clerk's office)	1600.00
Moderator	20.00

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Total Cost for Special Town Meeting	\$3365.00
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TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: 5/6/93

TO:           The Board of Selectmen  
FROM:         John Murray  
SUBJECT:      MGL c59 s21c (m)

Selectmen Hunter faxed a copy of this specific chapter to staff this morning, with the request for more information. Listed below are the pertinent points:

1.   A Town may appropriate contingent appropriations, which are dependent upon a subsequent override.
2.   A majority of the Board of Selectmen must vote to place a override question on the ballot.
3.   The override election must be held normally within a 45 day period.

In summary this section specifically states that the appropriation is null and void unless an override question is favorably acted upon within 45 days. The Board of Selectmen are under no obligation to place a question on the ballot.

(m) A town may appropriate from the tax levy, from available funds, or from borrowing, contingent upon the passage of a referendum question under paragraph (g), (i<sup>1</sup>/<sub>2</sub>), or (k), provided that: (1) the statement of the purpose in the appropriation shall be the same as the statement of purpose in the referendum question; (2) the appropriation vote shall not be deemed to take effect until the approval of the referendum question; (3) the first election at which the referendum question appears on the ballot must take place no later than forty-five days after the date of the appropriation vote, provided, however, that no such election shall take place later than ninety days after said vote (4) after a contingent appropriation from the tax levy, a tax rate for a town shall not be submitted for certification by the commissioner under section twenty-three until after a referendum question under paragraphs (g), (i<sup>1</sup>/<sub>2</sub>), or (k) has been voted upon, or until forty-five days have passed, whichever period is shorter.

M.G.L. c 59 § 21C (m)

# ELECTION INFORMATION RELATING TO PROPOSITION 2 1/2

In an earlier issue of *CITY & Town*, we informed our readers that they could look forward to the following overview of Election Law. Again, the Division of Local Services does not regulate municipal elections. We simply want to provide as much guidance to cities and towns as we can. Local officials should contact the Elections Division of the Office of the Secretary of State with specific questions on election law issues.

The law as it relates to Proposition 2 1/2 basically allows the selectmen or the city council of a community to place one or more questions concerning overrides on the ballot by a majority or two-thirds vote at a regular or a special election. The following are the types of overrides for which election law applies. In every case, it is required that a majority of the voters vote "yes" for the question to pass.

— An override to increase real estate and personal property taxes (M.G.L. Chapter 59, section 21C (g)) requires a majority vote of the selectmen or city council to be placed on the ballot with the purpose to be stated.

— An "underride" to reduce real estate and personal property taxes (M.G.L. Chapter 59, section 21C (h)) requires a majority vote of the selectmen or city council or the people by popular initiative (where available) in order to be placed on the ballot.

— A capital outlay exemption (M.G.L. Chapter 59, section 21C (i 1/2)) requires a two-thirds vote of the selectmen or city council to be placed on the ballot with the purpose stated.

— An exemption for bond payments incurred *before* the passage of Proposition 2 1/2 (M.G.L. Chapter 59, section 21C (j)) requires a two-thirds vote of the selectmen or city council in order to be placed on the ballot.

— An exemption for bond payments incurred *after* the passage of Proposition 2 1/2 (M.G.L. Chapter 59, section 21C (k)) requires a two-thirds vote by the selectmen or city council in order to be placed on the ballot with purpose stated.

The following is an explanation on general procedures relating to local elections, both regular and special. In *regular elections*, questions may be placed on the ballot by a vote of the selectmen or city council up to the deadline for printing the ballot (no more than 28 days before the election). The question is placed after the candidates' names on the regular election ballot; all absentee voting and registration requirements apply. *Special Elections* should be called at least four weeks ahead. In cases where a Saturday registration session falls within two days of a holiday, more time may be needed and absentee ballots must be available. Special registration sessions must

be held 20 days prior to elections noon to 10 p.m. and the prior Saturday from 9 a.m. to 5 p.m. On election day, the following standard procedures apply:

- The same number of election officers should be used as in a regular election.
- The town can not reduce the number of precincts for this election only.
- In towns, polling places may be changed "if the selectmen conclude that the public convenience would be better served." In cities, polling places can be moved outside the precinct *only* if no suitable voting place can be found in the precinct. In either case, voters must be notified by mail if polling places are changed.

Wording for all questions is included in M.G.L. Chapter 59, section 21C. *This is the exact wording that must appear on the ballot.* Purposes for expenditures must be included only where indicated in Chapter 59. No official information other than the actual text of the question may appear on the ballot. In addition, election officials may not publish official voter information regarding campaign and informational activities at town expense.

Officials from some towns have inquired as to whether or not voters may rescind their votes to hold special elections under Proposition 2 1/2 or to place a particular question on the ballot. The General Laws do not address this question. However, since parliamentary law generally allows a parliamentary body to rescind a vote by a two-thirds vote, it is probably possible to vote to rescind as long as no action (such as printing the ballot, posting the warrant, or sending out the absentee ballots) has been taken in reliance upon the vote.

The Secretary of State's Elections Division receives numerous inquiries regarding Proposition 2 1/2 ballot questions and has outlined some of the typical questions and their answers.

- Q: Who may decide to place a Proposition 2 1/2 question on the ballot?
- A: Only a majority of the City Council (with the Mayor's approval) or a majority of the Board of Selectmen may vote to place a Proposition 2 1/2 question on the ballot.
- Q: May the voters in a city or town force the selectmen or the city council to place a Proposition 2 1/2 question on the ballot by petition?
- A: No. Voters may submit a petition to the selectmen or the city council asking that they place or not place the question on the ballot, but such a petition has no legal effect and is not binding on the selectmen or the city council.

(Continued on the next page)

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The initiative process (where available) may be used to place the question of whether a city or town should be required to *reduce* the amount of the tax levy for any particular year. The statute specifically states that the initiative may be used for this type of question (M.G.L. 59, section 21C (h)). Since there is no similar language in any other part of the statute, the initiative process may not be used to place any other Proposition 2 1/2 question on the ballot.

- Q:** May the Selectmen or City Council call a special election to place a Proposition 2 1/2 question on the ballot?
- A:** Yes they may. However, they must call the special election at least 28 days after they vote to place a Proposition 2 1/2 question on the ballot in order to allow enough time to prepare absentee ballots and to hold voter registration sessions before the special election.
- Q:** How many Proposition 2 1/2 questions may be placed on a local ballot?
- A:** As many as the Selectmen or City council decide to place on the ballot.
- Q:** How many times may the Selectmen or City Council place the same Proposition 2 1/2 question on the ballot?
- A:** As many times as they like.
- Q:** Must the Selectmen or City Council wait a certain amount of time before putting the same Proposition 2 1/2 question on the ballot again?
- A:** No.
- Q:** May a Proposition 2 1/2 question be placed on the state election ballot?
- A:** Yes, a community may place up to three questions on the state ballot. In order to place this question on the state ballot, the Secretary's Elections Division must receive a copy of the

vote of the Selectmen or City Council, attested by the City or Town clerk, no later than the first Wednesday in August.

- Q:** Can any summary or explanation of the Proposition 2 1/2 question be placed on the ballot?
- A:** No, the question on the ballot must use the exact language outlined in the statute (M.G.L. Chapter 59, section 29C), and no other language may appear on the ballot.
- Q:** May a city or town, at public expense, prepare a summary of the Proposition 2 1/2 question or any other material advocating for, or arguing against, passage of the question?
- A:** No. In the case of *Anderson v. City of Boston*, 376 Mass. (1978), the Massachusetts Supreme Judicial Court held that a municipality has no authority to appropriate funds for the purpose of trying to influence the result of a ballot question.

We hope you find this information helpful. If you have any questions on election law, contact the Election Division, Office of the Secretary of State at (617) 727-2828.

**CITY & Town**, a publication of the Massachusetts Department of Revenue's Division of Local Services, is published twelve times per year. The Division is responsible for oversight and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management. (617) 727-2300  
Editor: Elizabeth Rose Anderson

**CITY & Town**  
Division of Local Services  
200 Portland Street  
Boston, MA 02114-1715

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# BULLETIN

Commissioner: Stephen T. Fletcher

Deputy Commissioner: Edward J. Collins, Jr.

DIV  
6/19

*ACU*

May 15, 1989

To: Selectmen, Mayors, Finance Committees,  
Accountants, Auditors, Clerks

From: Edward J. Collins, Jr., Deputy Commissioner  
Division of Local Services

Subject: Contingent Appropriations

*Edward J. Collins, Jr.*

CC: ROY/JOHN

In view of the looming budget difficulties facing many Massachusetts cities and towns, we wish to emphasize our long-standing concerns about the use of contingent appropriations. In our view, the existing law does not permit municipalities to appropriate money contingent upon the subsequent passage of a Proposition 2 1/2 override or exclusion vote.

Some communities that are planning to put override questions on the ballot have appropriated more from the tax levy than they can raise within their existing levy limits, without making any particular appropriations expressly contingent upon a successful override vote. If possible, elections for such questions should be scheduled so as to allow time for a special town meeting to cut the budget before the start of the fiscal year in the event the override questions are defeated. If the override questions are not voted upon before the start of the fiscal year, it is critical that department heads recognize the possibility and scale of the budget cuts that will be necessary if no override is passed.

If a community has made an appropriation explicitly contingent upon approval of an override or exclusion question, no spending from such an appropriation can be allowed until the referendum question has been approved by the voters. If the appropriation is for operating purposes, and the election is not scheduled till after July 1, departments with such a contingent appropriation in their operating budgets must reduce their expenditures to a rate that could be sustained for the entire fiscal year without the

contingent appropriation. This will minimize the severity of any cuts that must be made in the event the referendum question fails. Town accountants and city auditors should review expenditures of departments with contingent operating appropriations to insure that they are not spending in reliance on such appropriations before the voters have approved the override questions.

Both the laws governing municipal finance and sound fiscal policy require that cities and towns balance their budgets. The Division of Local Services is ready to work with communities in their efforts to maintain financial stability despite budget pressures.



**MEMORANDUM**

2/1/94

(4)

28 January 1994

From: Chairman, BOS

To: Board of Selectmen

Subject: Local School Budget Presentation 1/27/94

1. I attended the 3½ hour presentation of the Local School Budget to the Acton School Committee by the Superintendent and various staff members on January 27th. The session was not televised. There were about 10 citizens plus various staff members in the audience.

2. The presentation was totally that of their "A" Budget, it was said to be such, although it was never actually mentioned that it was an override budget nor was the possible size of the override mentioned. There was no mention at all of available or projected revenues, it was totally an expenditure discussion. Much was made of the new, expanded budget format.

3. It appears that the school staff has not begun work on a "B" Budget, although the semantics in regard to the alternatives, "cut" v. "slice", were touched on, the term Isa seemed to prefer for something less than an "A" Budget was "amputation". Another interesting semantic point was that the term "Central Office" has apparently been banished from the lexicon, it is now "Systemwide Support". The renamed Central Office cost center includes the Superintendents office, business operations, personnel services, pupil services, curriculum & instruction and computer operations.

4. The situation in regard to the public access to the 90 page printed booklet of budget materials presented to the School Committee was bizarre. Even though this Board had been asked previous to the presentation if it wanted a copy of the materials, I was unable to obtain a copy prior to the meeting. As the meeting was about to start there were about 8 copies of the quarter inch thick draft budget booklet lying on the end of the table. I waited until another citizen asked for a copy and then I also asked for one. The copies were numbered and we were told by the Superintendent that they would have to be returned at the end of the meeting, although we were free to make notes on the booklet! Our names were taken as we received copies! Isa explained that she felt that it was inevitable that some of the information would change or later be found to be inaccurate and that it would be therefore dangerous for that writing to leave the room, although she was willing for the public to have the figures in front of them while they were being discussed! At first the Committee simply acquiesced in this procedure. Finally Steve Aronson indicated his discomfort, although he even later made another statement supporting the Superintendent. I advised the Committee that I considered the booklet a public document, would return my copy as

requested, but would then file a formal request for its return. I then initialed all the pages and marked it up to make my copy identifiable while the presentations continued. Much later another citizen complained bitterly about being denied the right to carry away a copy. Isa responded with a long justification, but eventually seemed to agree that we could keep the copies if we marked them with the date, that they were preliminary drafts, etc. Other than Steve's off and on remarks the Committee sat through all of this unfortunate display of distrust of the public like potted plants.

5. The most interesting part of the presentations, which did not seem intended to change any of the Superintendent's numbers, was the "feel" one obtained about the educational administration in each of the elementary schools, and the insight into the efforts to recreate a fully equipped and staffed school in the Merriam building.

6. As part of her overview of the Budget, Isa verbally summarized with several overheads, in what I thought to be a rather confusing manner (perhaps because I was trying to take notes while listening) some principal points. As I understood them they were that the budget contained the following additional personnel:

0.5 FTE Principal	\$ 29,518
5.0 FTE Classroom teachers	\$181,500
2.19 FTE Certified staff	\$ 78,985
0.99 FTE Non-certified staff	\$ 20,000

Other increases verbally summarized were:

Increasing Merriam operations	\$ 76,582
SPED	\$102,681
Curriculum	\$ 26,766
Increase per student allowances	\$ 63,000
Move Choice staff to Appropriated	\$ 84,000

Seventy two point three percent or \$7,306,867 of the total \$10,103,762 budget request is in personnel costs, 23.9% or \$2,416,291 is in contracted services, 3.7% or \$369,241 in material and the remainder in equipment. The total increase in requested personnel expenses is \$668,669, the requested increase in contracted services is \$207,202, an additional \$69,992 is requested for material and supplies while equipment requests are down by \$2,137.

7. The total increase requested in this Local School Budget is \$943,728 or 10.30%.

8. Although the presentation booklet is very detailed it does not lend itself to an easy comparison of salient, cumulative changes, in my opinion.

9. The following are the main line items, the FY95 budget requests, and the dollar and percentage change from the FY94 budget. FY94 projected expenditures also appeared, this seemed to be information that Isa was particularly nervous about, the numbers were said to be spent and encumbered as of December but I have not repeated them here so as to avoid being thought to have published questionable information in any form.

<u>Item</u>	<u>FY95 Request</u>	<u>Change from FY94 Budget</u>	
Transportation (45% in Local)	\$323,196	-\$11,519	-3.44%
"Systemwide Support"	\$743,511	+\$48,130	+6.92%
Insurance & Unemployment	\$866,205	+\$ 6,452	+0.75%
Building & Grounds	\$172,672	-\$12,423	-6.71%
Building Operations & Maintenance	\$569,118	+\$103,047	+22.11%
Special Ed #86	\$846,125	+\$117,547	+16.13%
S.W. Special Ed #10	\$1,021,407	+\$124,290	+13.85%
S.W. Professional Development (Isa gave a long speech on this complete with many literature references.)	\$61,892	+\$30,937	+99.94%
Physical Education	\$187,276	+\$20,826	+12.51%
Music	\$191,954	+\$24,244	+14.46%
ESL	\$51,119	+\$11,388	+28.66%
Developmental Reading	\$56,748	-\$23,966	-29.69%
Art	\$140,574	+\$22,613	+19.17%
Merriam School	\$504,831	+\$315,020	+165.97%
McCarthy-Towne School	\$1,102,105	-\$49,073	-4.26%
Gates School	\$1,195,741	+155,906	+14.99%
Douglas School	\$1,017,673	-\$33,892	-3.23%
Conant School	\$1,051,615	+\$94,201	+9.84%
TOTAL	\$10,103,762	+\$943,728	+10.30%

10. Some interesting details concerning salaries are included. The full salaries (Local + Regional Share) of certain "Systemwide Support" executive personnel are as follows:

Superintendent	\$94,760
Business Director	\$77,232
Business Coordinator	\$41,040
Personnel Director	\$70,594
Computer Coordinator	\$76,075
Director of Curriculum & Instruction	\$70,568

11. The school custodian's regular time salaries appeared to range between \$39,126 and \$35,333 with additional funds being budgeted for substitutes and overtime.

12. Some full secretarial/accounting salaries are:

Superintendent's Secretary	\$35,241
Business Bookkeeper	\$27,153
Business Payroll	\$31,850
Personnel Secretary	\$30,310
Computer Assistant	\$25,051
Director of Curriculum Secretary	\$25,890

12. The Local Schools legal budget was level funded at \$18,000.

13. There were verbal references to the School Choice Budget but I didn't see anything in the presentation setting it forth.

14. I will hand delivery my copy of the budget booklet (No. 3) to the Manager next week for such further review as he may think helpful.



DORÉ

Copy to: Town Manager

2/1/94 (5)

Monday, January 24, 1994

Dear Board of Selectmen,

As a representative of Proscenium Circus, the drama club at ABRHS, I would like to request permission to place a sign at the intersection of Hayward Rd. and Main St. to promote our upcoming musical, "Barnum." The sign is two and a half by three and a half feet, wooden, and shows the name, location, dates and times of the musical. We would place it on the island and it would be taken down on Sunday, February 6.

Thank-you very much for your time. I can be reached at 263-2127, or at the high school at 264-4700.

Sincerely,

*Katherine A. Onorato*

Katherine Onorato

**TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION**

**DATE:** January 27, 1994

**TO:** Don P. Johnson, Town Manager  
**FROM:** Garry Rhodes, Building Commissioner *GAR*  
**SUBJECT:** Proposed sign located on island of Hayward Road

It is my understanding that the school is proposing to locate a temporary sign at the intersection of Hayward Road and Main Street. The sign bylaw provides for the Board of Selectmen to regulate such signs. I am not aware of any regulations that the Board has adopted. Up to this time the Board has maintained a laissez faire approach to this signs.



2/1/94 (7)

BOARD OF SELECTMEN  
NOTICE OF PUBLIC HEARING

Middlesex, ss.

Town of Acton

In accordance with Section 22 of Chapter 82 of the General Laws, notice is hereby given by the Selectmen of the Town of Acton that they will meet at 7:45 PM in Room 204 of the Acton Town Hall, 472 Main Street, on Tuesday, March 1, 1994 for the purpose of laying out as a Town way, for acceptance by the Town at the Annual Town Meeting, the way known as:

In the Kennedy Estates Subdivision

Kennedy Lane - From the southerly sideline of Arlington Street a distance of 467 feet, more or less, in a southeasterly direction to the easterly sideline of a 77.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

Said way is to be laid out in accordance with the requirements of the Town of Acton.

\_\_\_\_\_  
F. Dore Hunter, Chairman

\_\_\_\_\_  
Anne B. Fanton, V. Chairman

\_\_\_\_\_  
William C. Mullin, Clerk

\_\_\_\_\_  
Nancy E. Tavernier

\_\_\_\_\_  
Norman D. Lake

BOARD OF SELECTMEN  
TOWN OF ACTON



BOARD OF SELECTMEN

Middlesex, ss.  
To the Planning Board

Town of Acton  
February 1, 1994

In accordance with Section 81I of Chapter 41 of the General Laws, notice is hereby given by the Selectmen of the Town of Acton that they have made the initial step required for the laying out as a Town way for acceptance at the Annual Town Meeting the way known as:

In the Kennedy Estates Subdivision

Kennedy Lane - From the southerly sideline of Arlington Street a distance of 467 feet, more or less, in a southeasterly direction to the easterly sideline of a 77.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

And that this is now referred to the Planning Board for its recommendation.

No further action can be taken by the Board of Selectmen until the Planning Board has reported thereon, or has allowed forty-five days to elapse after such reference without submitting its report.

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F. Dore Hunter, Chairman

---

Anne B. Fanton, V. Chairman

---

William C. Mullin, Clerk

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Nancy E. Tavernier

---

Norman D. Lake

BOARD OF SELECTMEN  
TOWN OF ACTON





BOARD OF SELECTMEN

Middlesex, ss.  
In the Board of Selectmen

Town of Acton  
February 1, 1994

We hereby determine and adjudge that common convenience and necessity require the laying out of the way hereinafter listed for acceptance by the Town at the Annual Town Meeting. No damages are to be awarded and no betterments assessed in connection with this taking.

In the Kennedy Estates Subdivision

Kennedy Lane - From the southerly sideline of Arlington Street a distance of 467 feet, more or less, in a southeasterly direction to the easterly sideline of a 77.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

---

F. Dore Hunter, Chairman

---

Anne B. Fanton, V. Chairman

---

William C. Mullin, Clerk

---

Nancy E. Tavernier

---

Norman D. Lake

BOARD OF SELECTMEN  
TOWN OF ACTON

2/1/94  
⑧

CHEZ CLAUDE RESTAURANT  
5 Strawberry Hill Rd.  
Acton, Ma. 01720

January 28, 1993.

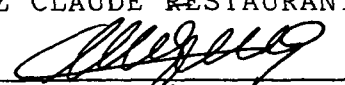
BOARD OF SELECTMEN  
TOWN OF ACTON  
ACTON, MA. 01720

Gentlemen:

We are requesting your authorization to sell  
alcoholic beverages on February 20 which is a Sunday.

Thank you in advance for your attention.

Yours Truly

CHEZ CLAUDE RESTAURANT  
By:   
Claude Miquel

Consent

2/1/94

(8)

CHEZ CLAUDE RESTAURANT  
5 Strawberry Hill Rd.  
Acton, Ma. 01720

January 20th, 1994.

BOARD OF SELECTMEN  
Town of Acton  
Acton, Ma. 01720

Gentlemen:

We are asking your authorization to sell  
alcoholic beverages on Sunday, February 13.

Thank you in advance for your attention.

Truly Yours,

Chez Claude Restaurant

By:   
Claude Miquel

CONSENT 2/1/94

2/1/94

⑨

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager  
FROM: David F. Abbt, Engineering Administrator *D. Abbt*  
SUBJECT: BRIDGE A-2-11; RATING AND POSTING  
WETHERBEE STREET/NASHOBA BROOK

DATE: 1/24/94

The letter from the Massachusetts Highway Department on this subject dated January 14, 1994 states that they have rated the Wetherbee Street/Nashoba Brook bridge for a specific maximum load and requests that the Town take the legal steps necessary to post this bridge with approved signs displaying this restriction. Doing this is important because if an overweight truck damages the bridge the owner of the truck is responsible for the cost if the bridge is properly posted.

In order to legally post this bridge, the Selectmen should, at a regular meeting, vote on a proper motion as follows:

"to accept the recommendation of the Massachusetts Highway Department relative to posting of a maximum load rating at the Wetherbee Street bridge over Nashoba Brook as follows:

All Vehicles

Three (3) Tons

and furthermore to direct the Highway Superintendent to install and maintain appropriate signs suitable to the Massachusetts Highway Department and to direct the Acton Chief of Police to take the necessary steps or action to enforce these load limits according to the requirements of the law."

The minutes of the meetings should use this wording. A copy of the minutes, certified by the Town Clerk, will have to be forwarded to the District Highway Engineer.

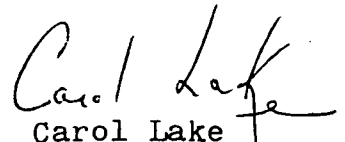
It is my understanding that if the Town does not accept these ratings, the burden of liability for improper use of the bridge (excessive loads) will continue to rest on the Town. The current posting for this bridge is 12-16-24 tons (2, 3 and 5 axles respectively).

cc: R. Howe, Highway Superintendent  
G. Robinson, Chief of Police

2/1/94 (18)  
**CONFIDENTIAL**

Lisa Fleck lives at 2 Town House Lane with her husband and two teen sons one of whom is a special ed student. Both Mr. and Mrs. Fleck have always worked low income jobs; Mrs. Fleck worked varied hours in the retail stores near her apartment so to be at home after the school hours. This family receives a small rent subsidy from Acton Housing Authority.

Most recently Mrs. Fleck was admitted to Choate Hospital for severe depression, a suicide attempt, and alcohol dependency. She is now discharged and in an out-patient program in Woburn. This request is for one month's rent for a room in Sober House, a non-profit facility in Woburn. Lisa received a first month's rent payment from the Neighbors In Need, Acton. Medical insurance is paying for her treatment program but does not cover lodging. Lisa is in need of time away from her family unit. There are no family savings.

  
Carol Lake  
Council On Aging

January 27, 1994

Varnum Tuttle Fund: \$300

THE COMMONWEALTH OF MASSACHUSETTS  
JOINT COMMITTEE ON LOCAL AFFAIRS

STATE HOUSE, BOSTON 02133

IMPORTANT

JAN 21/4

REPRESENTATIVE  
BARBARA E. GRAY  
HOUSE CHAIR  
ROOM 134, STATE HOUSE  
(617) 722-2400

Local Officials Notice

For Immediate Release

SENATOR  
ROBERT E. TRAVAGLINI  
SENATE CHAIRMAN  
ROOM 416-A, STATE HOUSE  
(617) 722-1634

January 21, 1994

An important bill was filed by Rep. Barbara Gray, Rep. Douglas Petersen, Rep. Pamela Resor for consideration by the Joint Committee on Local Affairs during the 1994 Legislative Session. The bill entitled An Act Relative to Planning and Development in Massachusetts is more commonly called "The Growing Smart" bill.

Due to the need for changes in the way comprehensive planning and development reviews occur and the need for local input into that new system, the Joint Local Affairs Committee, co-chaired by Rep. Barbara Gray and Sen. Robert Travaglini, will hold public hearings throughout the state to encourage local input defining the problem from the local perspective and offering alternatives for incorporation into the Growing Smart bill. After this series of hearings the bill, as presently drafted, will be amended to reflect local comments and a final hearing will be held at the State House before the Local Affairs Committee acts or makes any recommendations on the bill.

The second hearing will be held near you on:

Thursday, February 3rd, 1994  
7:30 p.m.  
Forbes Municipal Building  
34 West Main Street  
Westborough, MA 01581

"We view this as an opportunity to bring the Legislature to its citizens," said Representative Barbara Gray. "We hope that you will be able to attend and provide your perspective in written and/or oral testimony on this important issue." Also enclosed is a synopsis of the bill prepared by the Southeastern Regional Planning and Economic Development District and a brief section by section outline of this lengthy bill prepared by 1000 Friends of Massachusetts. As copies of the bill are printed we will distribute a copy to each Mayor or Board of Selectmen who in turn can make them available to interested local boards. Also enclosed is a schedule of other hearings around the state in case you are unable to attend the one closest to your community.

Enclosures

CC: BOS - w/ALL ENCLOSURES EXCEPT THE  
BILL ITSELF (≈ 60 PAGES).

FULL DOC. IN RF

CC: ROLAND BARTL (SAME PKG. AS BOS)

THE COMMONWEALTH OF MASSACHUSETTS  
JOINT COMMITTEE ON LOCAL AFFAIRS  
STATE HOUSE, BOSTON 02133

REPRESENTATIVE  
BARBARA E. GRAY  
HOUSE CHAIR  
ROOM 134, STATE HOUSE  
(617) 722-2400

SENATOR  
ROBERT E. TRAVAGLINI  
SENATE CHAIRMAN  
ROOM 416-A, STATE HOUSE  
(617) 722-1634

REVISED HEARING SCHEDULE  
PLANNING & DEVELOPMENT BILL  
Growing Smart

<u>Date</u>	<u>Location</u>	<u>Address</u>	<u>Time</u>
Jan. 27	Peabody	Community Life Center 79 Central Street	7:30 p.m.
Feb. 3	Westboro	Forbes Municipal Bldg. 34 West Main Street	7:30 p.m.
Feb. 17	Holyoke	Community College	<u>7:00</u> p.m.
March 2	Worcester	Worcester State College Student Center Blue Lounge	7:30 p.m.
March 9	Hanover	Town Hall	7:30 p.m.

-----  
Hearings Still in Planning:

March      Billerica  
15 or 16

March      Berkshire County  
15 or 16

March 24    Belmont

March 31    New Bedford

April 14    Greenfield

April      State House

THE COMMONWEALTH OF MASSACHUSETTS  
JOINT COMMITTEE ON LOCAL AFFAIRS  
STATE HOUSE, BOSTON 02133

REPRESENTATIVE  
BARBARA E. GRAY  
HOUSE CHAIR  
ROOM 134, STATE HOUSE  
(617) 722-2400

SENATOR  
ROBERT E. TRAVAGLINI  
SENATE CHAIRMAN  
ROOM 416-A, STATE HOUSE  
(617) 722-1634

ANALYSIS

AN ACT RELATIVE TO PLANNING AND DEVELOPMENT IN MASSACHUSETTS

(Prepared by the Southeastern Regional Planning & Economic  
Development District)

As objectively as possible, this analysis attempts to identify features of the bill which entail new or different authority. In general, there is a stronger regional level represented by new regional commissions," consisting of 100% local officials. There are many advantages for cities and towns that actively plan, but fewer discretionary powers for those who do not. There is more accountability of state agencies to the cities and towns in planning, environmental review, capital budgeting and development. Throughout the bill, planning is the underpinning for all exercise of authority.

So that we focus on the intended results, this analysis does not look at the legislation from the perspective of state, regional and local authority, but rather how it addresses its major goals of:

- Goal 1: Economic vitality and jobs: To create "a quick, efficient and predicable development approval system"
- Goal 2: Coordinate public and private investment: "To discourage sprawl and encourage new development in areas with public investment in existing infrastructure"
- Goal 3: Resource protection and enhancement: "To maintain and improve the quality of air, water and land resources"

The legislation attempts to be "balanced" between the needs of the economy and the environment, while insuring the efficient use of tax dollars through sound planning. These three goals were selected to illustrate that "balance." For each goal appropriate actions of the legislation are noted. Financial provisions of the act are also noted.



## GOAL 1: ECONOMIC VITALITY AND JOBS

This goal is addressed primarily through opportunities for more certainty in the permitting process and facilitating development where it is consistent with approved plans.

- . Local comprehensive plans shall identify growth centers; Section 13(e)(7)
- . Municipalities with approved comprehensive plans "given priority for discretionary state funding programs"; Section 13(k)(1)
- . Municipalities with plans may enter into development agreements to confer vested development rights for up to twenty (20) years; Section 13(k)(5)
- . Locally designated growth centers may be submitted for generic review and certification by the Secretary of Environmental Affairs so that further ENF'S AND EIR'S under MEPA are unnecessary; Section 13(k)(8)
- . Single unified permits (covering all permits, licenses and approvals) may be obtained for projects that comply with the local comprehensive plan and municipal implementing regulations; Section 13(k)(9)
- . Use of "Alternative or innovative on-site wastewater treatment system shall be permitted" where local and regional planning are in place; section 13(k)(11)
- . More flexible bylaws, such as transfer of development rights, open space zoning, and mixed use districts available to communities with an approved comprehensive plan; Section 13(k)(12)

## GOAL 2: COORDINATE PUBLIC AND PRIVATE INVESTMENT

This goal is addressed through more accountability of state actions to regional and local levels of government, as coordinated through the preparation, review and certification of local, regional and state plans.

- . Creates strong incentives to prepare regional and local comprehensive plans; Sections 5,6,7,&13
- . Review of state capital investment plans for consistency with regional and local plans; Section 6(g)(i & ii)
- . No state spending on capital facilities or state financial assistance to private projects without regional commission and municipal certification for consistency with approved regional and local plans; Sections 7(e) and 13(j)&(k)(2)
- . Coordinated state and regional environmental reviews under the MEPA statute; Sections 9(e)
- . Establishes a Governor's Council on Planning and Development to coordinate the Commonwealth's capital improvements with regional and local plans; Section 14

### GOAL 3: RESOURCE PROTECTION AND ENHANCEMENT

This goal is addressed primarily through optional regional authority to review and impose conditions on "developments of regional impact."

- . Establishment of standards and criteria for developments of regional impact by regional commissions; Section 6 (e)
- . Regional options for review of "developments of regional impact" (mandatory review, local referral, or advisory review); Sections 8(a)(1-3) and 9(f)
- . Conditions and mitigation measures may be imposed on developments of regional impact (depending upon which DRI review option is chosen by the local officials comprising the Regional Council); Section 9(f) & 1
- . Municipal boards and commissions may nominate districts of critical planning concern to the regional commission for special local development regulations; Section 12

### FINANCIAL PROVISIONS

- . Funding from the state is derived from a 1% set aside of the proceeds from the Commonwealth's bond issues for land acquisition and capital improvements; Section 7(g)
- . Exec. Office of Economics Affairs to pay 95% of cost of regional policy plans; Section 7(g)
- . Regional commissions pay 70% of cost of local comprehensive plans; 90% in cases of severe financial hardship; Sections 13(a)(2&3)
- . Municipality with approved comprehensive plan may adopt a program of impact fees for capital facility improvements attributed to demand created by new projects; Section 13(k)(4)

In summary the intent is to empower local government to manage growth and redevelopment activities in its community and those surrounding it.

THE COMMONWEALTH OF MASSACHUSETTS  
JOINT COMMITTEE ON LOCAL AFFAIRS  
STATE HOUSE, BOSTON 02133

REPRESENTATIVE  
BARBARA E. GRAY  
HOUSE CHAIR  
ROOM 134, STATE HOUSE  
(517) 722-2400

EXECUTIVE SUMMARY

SENATOR  
ROBERT E. TRAVAGLINI  
SENATE CHAIRMAN  
ROOM 416-A, STATE HOUSE  
(517) 722-1634

MASSACHUSETTS PLANNING AND DEVELOPMENT ACT

"Growing-Smart-Bill"

1. Purpose

To promote economic development, revitalize cities and rural communities, coordinate public and private investment in development and foster a new regional home rule by establishing an improved, efficient and economical system of local, regional and state land-use planning that will facilitate both development and resource conservation efforts. The act is designed to empower local communities to guide state actions through the local comprehensive plans and regional commissions comprised of local elected officials.

2. Vision for the Commonwealth

Eleven statewide goals pertain to economic vitality and jobs; coordinated public and private investment; natural, historic and cultural resource preservation and enhancement; regional integration; infrastructure and capital facilities; housing; transportation; community character; public access; citizen participation and conflict resolution.

3. Local Plans

Local Comprehensive Plan Boards are encouraged to prepare local comprehensive plans, consistent with the state goals and the regional policy plans. Municipalities with approved plans receive priority for discretionary funding; may establish a unified program of impact fees; may provide for unified permits; may adopt more flexible zoning; enjoy increased influence in state actions affecting their community; and gain other advantages. Development within designated growth centers is encouraged via expedited permit review, development agreements, and revised appellate review of local decisions. Municipalities may nominate Districts of Critical Planning Concern for additional protection.

4. Regional Commissions

Elected officials from each municipality within a region will be members of the new regional commissions (RC's), which will have the same boundaries and include the powers of the present regional planning agencies. RC's shall prepare regional policy plans consistent with state goals; assist local planning efforts; review optional local comprehensive plans for consistency with state goals, abutting communities' plans and with the Regional Policy Plan; and review Developments of Regional Impact (DRI's). Permitting authority over Developments of Regional Impact is determined by each RC.

#### 5. Developments of Regional Impact

Municipal officials within the RC determine the extent to which the RC will review or regulate development in the region which exceeds specific criteria of size or impact. After review of a DRI an appeal of local permits is vested exclusively in a Board of Land Appeals promoting more rapid, efficient review of decisions.

#### 6. State Support

State actions, including state funded infrastructure investments, state facilities and other capital outlays, state allocation of federal funds, and state regulatory decisions, must be consistent with approved local plans and regional policy plans. State planning resources, including a geographical information systems database, will be made available to local planning efforts. Ongoing local planning activities will receive state funding assistance to implement and revise approved local plans.

#### 7. Board of Land Appeals

An expert quasi-judicial Board of Land Appeals (BLA) shall be created with members appointed by the Governor. The BLA shall hear appeals on DRI decisions and certain local decisions. Appeals of decisions by the BLA shall be directed to the Appeals Court.

#### 8. Council on Planning and Development

A council, chaired by the Governor and consisting of the secretaries of five Executive Offices and six public members, shall administer the state funding, oversee the review of regional policy plans, coordinate capital facilities planning by state agencies and authorities; and resolve conflicts between proposed public actions and approved local plans.

#### 9. Funding and Administration

One percent of the capital outlay budget of the Commonwealth shall assist development of local comprehensive plans, supplement the existing per capita assessment from the municipalities and other funds currently received by regional planning agencies, and fund program administration. -

January, 1994



# Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

*Serving 101 cities and towns in metropolitan Boston*

January 19, 1994

JAN 24 1994

Dear Chief Elected Official:

The Metropolitan Area Planning Council will soon begin developing a Transportation Improvement Program (TIP) for fiscal years 1995, 1996 and 1997. The TIP is a staged, three year program of improvements to the highway and public transportation systems in the Boston metropolitan region. Federal regulations require that all projects receiving federal funding must be included on the TIP.

Community input and review of the TIP is coordinated between an MAPC staff person and a TIP Contact in your city or town. The purpose of this letter is to request that communities review whom their TIP Contact is and make changes if needed. We recommend that the TIP Contact be someone closely involved with the transportation issues and projects of your community on a regular basis such as the public works director, town engineer or town administrator.

Enclosed is our current list of TIP Contacts. Please notify Christopher C. Skelly at the MAPC, either in writing or by telephone, if the TIP Contact for your community should be changed. If we do not hear from you, the current person on our list will receive materials for the TIP review.

If you have any further questions, please do not hesitate to call Christopher C. Skelly at the above number.

Thank you for your assistance.

Sincerely,

Edmund P. Tarallo  
President

cc: MAPC Community Representative  
TIP Community Contact  
Dan Beagan, EOTC

cc: BOS

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

Dianne M. Shea, *Secretary*

Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

**Metropolitan Area Planning Council**  
**TIP CONTACT PERSONS**  
(as of January, 1994)

Acton - Dave Abbt (508) 264-9628  
Arlington - Alan McClennen 643-6700  
Ashland - Silvio Baruzzi 881-4697  
Bedford - Richard Warrington 275-7605  
Bellingham - Dennis Fraine 1-966-0990  
Belmont - Mel Kleckner 484-2351  
BEVERLY - Tina Cassidy (508) 921-6032  
Bolton - Gregg Cofsky (508) 779-6402  
BOSTON - Rina Cutler 7251-4488 cc: Andy McClurg  
Boxborough - Judy Jacobs 1-263-1116  
Braintree - Christopher McCabe 848-1870  
Brookline - Jack Harris 730-2139  
Burlington - David Owen 270-1635  
CAMBRIDGE - Dick Easler 498-9034  
Canton - Joseph Campo 821-5023  
Carlisle - Gary Davis 1-369-6156  
CHELSEA - Judy McConnell 889-0700  
Cohasset - Martha Gjesteby 383-1614  
Concord - Al Lima (508) 371-6260  
Danvers - Wayne Marquis 1-(508) 777-0001  
Dedham - Pat Profeta 326-6099  
Dover - James McKenna (508) 785-2269  
Duxbury - Thomas Groux 1-934-6586  
Essex - Bruce Julian (508) 768-6262  
EVERETT - Anthony LaRusso 394-2251  
Foxborough - Bob Federico 1-543-2269  
Framingham - Arthur Noonan 1-620-4852  
Franklin - Wolfgang Bauer (508) 520-4949  
GLOUCESTER - Art Markos (508) 281-9781  
Hamilton - Robert Brooks 926-3300  
Hanover - Thomas Doucette 826-3189  
Hingham - Edna S. English 749-0452  
Holbrook - John Cuhane 767-4198  
Holliston - Paul Lebeau 1-429-2944  
Hopkinton - Robert Bartlett 1-435-3862  
Hudson - Paul Blazar 1-562-9963  
Hull - Joseph F. Murphy, Jr. 925-2000  
Ipswich - George Howe 1-356-4848  
Lexington - Frank Fields 861-2729  
Lincoln - William Constable 542-3164  
Littleton - Mark Haddad (508) 952-2311  
LYNN - Kevin Geyney 598-4000 x162  
Lynnfield - Allen Caproni 1-334-3143  
MALDEN - Edmund P. Tarallo 397-7020  
Manchester - (508) 526-7544  
Marblehead - Rebecca Curran 631-1529  
MARLBOROUGH - Ronald LaFreniere (508) 624-6913  
Marshfield - William Burke (508) 834-5575  
Maynard - Walter Sokolowski (508) 897-1017  
Medfield - Kenneth Feeney 1-359-8505

MEDFORD - Richard Lee 396-5500 cc: Lauren DeLorenzo  
Medway - Ruth Allen 1-533-2013  
MELROSE - James Richards 665-0065  
Middleton - Ira Singer 1-774-3344  
Milford - Martha White (508) 634-2317  
Millis - Charles Aspinwall 1-376-2634  
Milton - Paul Kanter 698-0100  
Nahant - Robert Steves 581-0018  
Natick - Charles Sisitsky 1-651-7260  
Needham - Carl F. Valenti 455-7512  
NEWTON - Elaine Gentile 552-7175  
Norfolk - Marilyn Morris 1-528-1408  
North Reading - Stephen Casazza 664-5731  
Norwell - Annette Saxton 659-8000  
Norwood - Bernie Cooper 762-1240  
PEABODY - Judy Otto 1-532-3000 x318  
Pembroke - Bob Hazlett 1-293-3844  
QUINCY - Michael Wheelwright 773-1380 x210  
Randolph - Peter Boghossian 963-4340  
Reading - Anthony Fletcher 942-9081  
REVERE - Frank Stringi 284-3600  
Rockland - Andrew McDonald 871-1874  
Rockport - Nichola Barletta 546-6786  
SALEM - William Luster (508) 745-9595 x311  
Saugus - Joe Attubato  
Scituate - Joseph Norton 545-6700  
Sharon - Benjamin Puritz 1-784-6909  
Sherborn - Mike Pakstis 651-7878  
SOMERVILLE - James Bretta 625-6600  
Southborough - Janice Conlin 1-485-0710  
Stoneham - Cosmo Ciccaretto 438-3320  
Stoughton - Phillip Farrington 1-341-1300  
Stow - Donna Jacobs (508) 562-6725  
Sudbury - Richard Thompson 1-443-8891  
Swampscott - Richard Besson 581-6055  
Topsfield - David Bond 1-887-5042  
Wakefield - Richard Boutiette 246-6300  
Walpole - James Merriam 1-668-5400  
WALTHAM - George W. Casper 893-4040 x3002  
Watertown - 972-6420  
Wayland - David Berry 727-5550 x219  
Wellesley - R. Arnold Wakelin, Jr. 431-1019  
Wenham - Peter Burnham 1-468-5530  
Weston - Ward Carter 893-7320  
Westwood - Michael Jaillet 326-6450  
Weymouth - Frank Lagrotteria 335-2000  
Wilmington - Lynn Duncan (508) 658-8238  
Winchester - John H. Ciarcia 721-7120  
Winthrop - Virginia Wilder 846-1852  
WOBBURN - John Cashell 933-7539  
Wrentham - Modris Pukulis (508) 384-5477

ntipcon

GRACE

cc: BOS- COVER ONLY  
FULL REPORT  
IN RF/RETAIN

Environment, Health & Safety  
Service Center

W.R. Grace & Co. - Conn.  
55 Hayden Avenue  
Lexington, Mass. 02173

Tel: (617) 861-6600

Fax: (617) 863-6183

January 26, 1994

JAN 27 1994

Mr. Doug Halley  
Acton Board of Health  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

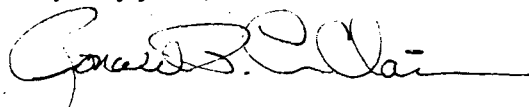
Dear Mr. Halley,

Attached is the monitoring report data for the W.R. Grace Oil Recovery system. This report is for fourth quarter reporting (October 1 - December 31, 1993).

The product recovery system performance was intermittent. Several attempts were made to correct problems at the site with limited results. We had the original equipment manufacturer (ORS) on site to troubleshoot and effect repairs to the equipment. Since they were not able to perform field repairs, we returned the entire system to the original equipment manufacturer in October for repair or replacement. A new product recovery pump was purchased and installed. The system was returned to full operating status in early November. Since that time, the oil recovery rates have been relatively consistent and have averaged approximately one half gallon per day. I have updated the oil recovery data summary and am enclosing it for your perusal.

If you require additional information or if I can be of further assistance, please call me at (617) 861-6600 EXT. 2353.

Very truly yours,



Ronald P. LeClair  
Environmental Compliance Engineer

cc: E. Benoit, DEP Worcester  
Chief Craig, Acton Fire Dept.  
D. Johnson, Acton Town Hall  
D. Kronenberg, W. R. Grace



CC: BOS - COVER LTR. ONLY  
FULL REPORT IN RF/RETAIN

**CDM**

environmental engineers, scientists,  
planners, & management consultants

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center  
Cambridge, Massachusetts 02142-1403  
617 252-8000

January 19, 1994

JAN 24 1994

Ms. Lynne Jennings  
U.S. Environmental Protection Agency  
Waste Management Division  
Region 1  
90 Canal Street  
Boston, Massachusetts 02114

Mr. Edmond Benoit  
Regional Engineer  
Bureau of Waste Cleanup  
Massachusetts Department of  
Environmental Protection  
75 Grove Street  
Worcester, Massachusetts 01605

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, Camp Dresser & McKee Inc. (CDM) is pleased to provide a summary of the analytical results for the soil and sediment sampling program recently completed at the Tank Car Area, Boiler Lagoon and Battery Separator Lagoons. The data have been supplied in the standard CLP format by the laboratory (NET, Inc.), but have not yet been thoroughly reviewed by CDM and should be considered preliminary. To assist in locating the borings, figures showing the surveyed boring locations for each of the five OSAs included in the sampling program are provided as part of this package.

As you are aware, in the course of the sampling program, elevated levels of volatile organic compounds (VOCs) were detected in some of the Boiler Lagoon samples. The levels detected were sufficiently high that treatment via the VFL process should be considered as one of the options for soils excavated from affected portions of the Boiler Lagoon. To assist in evaluating the effectiveness of the VFL process in stabilizing the elevated-VOC Boiler Lagoon soils, we request Government Party permission and concurrence to collect a volume of Boiler Lagoon soil from the vicinity of Boring BL-7. This soil will be sent to VFL for testing. In order to prevent potential delays in implementation of the landfill work, we need to collect the sample as soon as possible. Please contact Emily Leone at (617) 252-8817 or Bill Swanson at (617) 252-8458 if you have any questions on this submittal or wish to arrange a meeting on this subject.

Very truly yours,

CAMP DRESSER & MCKEE INC.

*Emily S Leone*

Emily S. Leone  
Project Engineer

Approved by:

*W. R. Swanson*

William R. Swanson  
Project Director

ESL:paa  
798-131-DN-SAP

cc: BOS / RETAIN

CAMP DRESSER & McKEE INC.

MEMORANDUM

TO: Distribution

FROM: William R. Swanson *W. Swanson*

SUBJECT: Monthly RD/RA Progress Report

DATE: January 4, 1994

JAN 10

Enclosed is the monthly RD/RA Progress Report for December 1993. If you have any questions, please call.

BRC:paa

Enclosures

Distribution:

- L. Jennings, EPA (6)
- E. Benoit, DEP (2)
- C. Tuttle, DEP Boston (2)
- D. Halley, Acton (3)
- D. Johnson, Acton (1)
- J. Ayres, GZA (1)
- P. Reiter, GZA (2)
- C. Myette, Wehran-MDEP (1)
- S. Anderson (1)
- D. Kronenberg, Grace (1)
- W. Cheeseman, FHE (1)
- H. Fox, Sierra Club (1)
- R. Eisengrein, ACES TAG Mgr. (1)
- J. Swallow, Pine & Swallow (1)
- M. Moore, Concord Board of Health (1)

**W.R. GRACE & CO.  
ACTON, MASSACHUSETTS  
MONTHLY RD/RA PROGRESS REPORT  
DECEMBER 1993**

**PAST AND PRESENT ACTIVITIES**

Meetings:

There were no technical meetings in December 1993.

Monitoring Wells:

Data reduction and development of the third quarter preclosure baseline monitoring report occurred during December. The fourth quarter preclosure baseline sampling and analysis was initiated.

Landfill Recovery Well:

Groundwater extraction system continued to function as designed.

Blowdown Pit:

No activity this month.

Remediation Design:

Completed preparation of Responses to November 5, 1993 EPA comments regarding Post-Excavation SAP and submitted to the Government Parties. A planning meeting was held on December 21 with the NET Laboratory to discuss the techniques and effort required for reaching required detection limits of the analytical program. The initial Non-VFL sampling program was completed, additional sampling at the Boiler Lagoon was completed, and preliminary analytical data was obtained and forwarded to the Government Parties.

VFL Pilot Study

CDM is awaiting comments on the BACT analysis on the VFL process and curing emissions documents submitted on November 5th.

**FUTURE ACTIVITIES (JANUARY 1994)**

The next technical meeting is not yet scheduled. Complete selection of general contractor. Complete pre excavation sampling and submit revised Post-Excavation SAP.

**UNRESOLVED DELAYS**

A new schedule has been accepted by the GP. Any delays will be measured off of the new schedule.



William F. Weld  
Governor

Daniel S. Greenbaum  
Commissioner

Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

**Department of  
Environmental Protection**  
Central Regional Office

cc: BOS  
D. HALLEY

✓ 1/28

JAN 24 1994

January 20, 1994

Don Johnson, Town Manager  
472 Main Street  
Acton, MA 01720

and

Michael Gianotis, Town Administrator  
Municipal Building  
195 Main Street  
Maynard, MA 01754

Re: ACTON/MAYNARD - DWPC  
314 CMR 7.00  
Regional Sewer System

Dear Messrs. Johnson and Gianotis:

It is the Department's position that a regional sewer system serving Acton and Maynard is a logical solution to the various wastewater treatment and disposal problems now facing your communities. As you may know, the Department has offered to arrange and participate in joint discussions with municipal officials from Acton and Maynard to explore issues related to the potential formation of a regional sewer district.

This serves to invite you to a joint discussion scheduled for 10:00 AM on Thursday February 3, 1994 at the Department's Central Regional Office, 75 B Grove Street, Worcester. The purpose of this discussion would be to provide an informal setting where Town Administrators may discuss the regionalization process. We also hope to explore ways in which the Department might assist the communities in this process.

Attached are directions to this Office. If you should have any questions please do not hesitate to contact me or Bob Kimball of my staff at (508) 792-7650. I look forward to seeing you.

Very truly yours,

Cornelius J. O'Leary  
Regional Director  
Central Regional Office

rk/hs: actnmayn.mtg

Acton/Maynard Sewer District  
February 3, 1994 Discussions  
page 2

cc: Acton Board of Selectman  
472 Main St., Acton 01720 Attn: F. Doré Hunter, Chairman

Maynard Board of Selectmen  
Municipal Building  
195 Main Street  
Maynard, MA 01754 Attn:

Senator Robert A. Durand  
Room 413B  
Statehouse  
Boston, MA 02133

#### Directions to Central Regional Office

1. Take Interstate 495 South to I 290 West
  2. Take I 290 to Exit 18 (Route 9, Lincoln Square)
  3. Turn Right on Lincoln Street. Go 100 yards and stay to the right on Lincoln at first fork.
  4. Go another 50 yards and turn right at light on Grove Street
  5. Number 75B is approximately 100 yards on the left.
- Commercial lot is directly across Grove Street from the building.



Commonwealth of Massachusetts  
COUNTY OF MIDDLESEX  
OFFICE OF THE COUNTY COMMISSIONERS

A1

EDWARD J. KENNEDY, Chairman  
Lowell  
THOMAS J. LARKIN, Bedford  
FRANCIS X. FLAHERTY, ESQ., Arlington

494-4100

40 THORNDIKE STREET  
EAST CAMBRIDGE, MASSACHUSETTS 02141

CC: BOS - COVER LTR. ONLY  
FULL DOC. IN RF.

January 6, 1994

The Honorable Theodore D. Mann  
Chairman, Middlesex County Advisory Board  
1000 Commonwealth Avenue  
Newton, MA 02159

Dear Mr. Chairman:

The Board of Middlesex County Commissioners is pleased to present the Middlesex County Budget for Fiscal Year 1995, which totals \$47,970,321. This amount represents an allocation of \$23,180,000 for County Operations and a \$24,790,321 allocation for Middlesex County Hospital.

In the coming year, we anticipate maintaining a healthy revenue stream as we forecast our projections for the collection of filing fees from the Registry of Deeds. Revenue estimates from the Commonwealth for funding of Corrections remain fluid, given that the County Finance Review Board is still addressing current year funding issues.

Our efforts to recover back-court rent owed to Middlesex County from the Trial Court continue. A \$1.3 million appropriation to Middlesex County was recently proposed by House Ways and Means as an item to be included a Fiscal Year 1994 Supplemental Budget, however, Senate Ways and Means did not concur and this item was rejected by Conference Committee. It is our intention to pursue funding of this outstanding obligation and we will keep you informed of future progress.

The document before you provides full funding of all existing positions, an allocation to provide for a cost of living adjustments and an appropriation to the Reserve Fund for unanticipated expenditures. Moreover, this Board maintains that it is the responsibility of the Commissioners to provide for the security of court facilities and therefore, we have funded County Security in its rightful place as part of the Maintenance Budget.

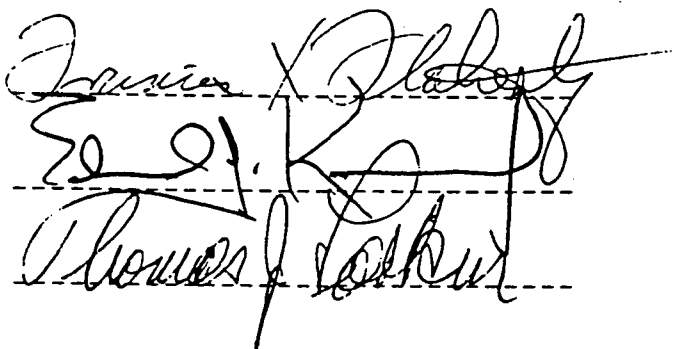
The Honorable Theodore D. Mann  
January 6, 1994  
Page 2

In general, the County initiative in 1995 will remain the development of regional municipal services to assist local governments. Of equal importance, we are committed to maintaining the quality of our existing County services.

At the County Hospital, the Board is committed to developing additional funding sources to enhance revenue. Moreover, one of our main objectives continues to be reducing the amount of outstanding receivables.

Thank you for your consideration. Please feel free to contact our County Administrator, Maureen Malley if you require any additional information.

Sincerely,



The image shows three handwritten signatures in black ink, each written over one of three horizontal dashed lines. The signatures are cursive and stylized. The top signature appears to be 'James J. Flaherty', the middle one 'Ed J. K...', and the bottom one 'Thomas J. ...'.

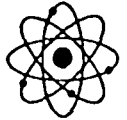
MIDDLESEX COUNTY COMMISSIONERS



## Minuteman Tech

Minuteman Regional Vocational  
Technical School District  
758 Marrett Road  
Lexington, MA 02173-7398  
Telephone 617-861-6500

Science-Technology High School  
and Adult Career Center



Fax 617-863-1747

cc: BOS

JAN 24 1994  
January 21, 1994

Subject: Fiscal Report #2

To: 1. All Board Chairpersons

- a. Selectmen
- b. Fincoms (+ representatives)

2. All Town Executive Officers

Annex A on the reverse side of this memo means that, through refilings (3X) of Schedule 19 and your support, we have achieved state calculations on minimum contributions lower than our actual assessments for **FY 1994**. Unfortunately the budget provision that would guarantee a similar victory for FY 1995 applied to FY'94 only. So we are keeping our fingers crossed on our recalculation system working for FY'95 also.

The FY'95 calculations should be arriving next week. If we "win", the version 3.0 assessments distributed on 1-20-94 would apply. If we lose, we'll ask you to join in united action against that. Watch for Report #3, hopefully next week.

Thanks,

*Ron Fitzgerald*  
Ron Fitzgerald  
Superintendent

c.c. Minuteman School  
Committee Members

- OVER -

Action  
Arlington

Belmont  
Bolton

Boxborough  
Carlisle

Concord  
Dover

Lancaster  
Lexington

Lincoln  
Needham

Stow  
Sudbury

Wayland  
Weston



08-Jan-94 = Rec'd at MM on 1-21-94

A

	Massachusetts Department of Education Information and Outreach Services FY 94 Minimum Contribution and Net School Spending	Original FY 94 Minimum Contribution	Revised FY 94 Minimum Contribution	Original FY 94 Net School Spending	Revised FY 94 Net School Spending
002 Acton		669,995	570,955	879,856	780,816
010 Arlington		2,436,118	2,076,005	3,205,596	2,845,483
026 Belmont		472,294	402,478	620,430	550,614
034 Bolton		116,960	99,671	154,048	136,759
037 Boxborough		203,013	173,003	265,339	235,329
051 Carlisle		78,149	66,598	102,835	91,284
067 Concord		272,932	232,587	359,343	318,998
078 Dover		39,645	33,785	51,991	46,131
147 Lancaster		184,099	156,885	242,902	215,688
155 Lexington		616,306	525,202	809,704	718,600
157 Lincoln		64,799	55,220	85,374	75,795
199 Needham		508,316	433,176	668,798	593,658
286 Stow		354,324	301,947	465,428	413,051
288 Sudbury		342,031	291,471	449,017	398,457
315 Wayland		235,964	201,083	310,029	275,148
330 Weston		52,166	44,455	68,624	60,913
830 Total		6,647,111	5,664,521	8,739,314	7,756,724

The Commonwealth of Massachusetts  
Department of Education

JAN 21 1994

350 Main Street, Malden, Massachusetts 02148-5023

Telephone: (617) 384-3300  
TTY: N.E.T. Relay 1-800-439-2370

XX

+ buses  
+ equipment

January 18, 1994

Ronald Fitzgerald  
Superintendent  
Minuteman Regional School District  
758 Marrett Road  
Lexington, MA 02173

Dear Superintendent Fitzgerald:

At your request, we have re-figured the minimum local contribution necessary to maintain your district's fiscal effort under the terms of Chapter 70 as amended by Chapter 71 of the Acts of 1993, the Education Reform Act.

The new requirement takes account of the revised estimate of the school committee's expenditures for instruction in FY93.

For more information, please contact:

Massachusetts Department of Education  
Information and Outreach  
350 Main Street  
Malden, MA 02148  
(617) 388-3300, extension 553

Thank you.

Sincerely,

Robert V. Antonucci

Robert V. Antonucci  
Commissioner of Education

cc: Board of Selectmen

Minuteman  
Tech

RJ5



# Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

*Serving 101 cities and towns in metropolitan Boston*

January 19, 1994

Dear Chief Elected Official:

The Metropolitan Area Planning Council would like to notify you about funding opportunities for non-traditional transportation projects under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Under the Surface Transportation Program (STP) of ISTEA, non-traditional transportation projects are known as enhancements. Enhancements include projects such as pedestrian and bicycle facilities, preservation of abandoned railroad corridors, historic preservation, archaeological planning and research, rehabilitation and operation of historic transportation structures including railroad facilities, acquisition of scenic/historic sites, scenic or historic highway programs, landscape enhancements, control and removal of outdoor advertising and mitigation of water pollution due to runoff.

If you have projects within your community that you would like to have considered for enhancement funding, please notify Christopher C. Skelly at this office. I would like to point out that a firm commitment to design and maintain the project is required by the community.

A copy of the Transportation Enhancement Guidelines that have been developed by the Commonwealth of Massachusetts, Executive Office of Transportation and Construction, Bureau of Transportation Planning and Development (BTP&D) can be obtained by contacting Christopher C. Skelly at this office. These guidelines offer insight into the project selection process for enhancements.

Enhancement projects must be included on the Transportation Improvement Program (TIP) which will soon be developed for fiscal years 1995, 1996 and 1997. The TIP is a staged, three year program of improvements to the highway and public transportation systems in the Boston Metropolitan region. Federal regulations require that all projects receiving federal funding must be included on the TIP.

CC: BOS-

I HAVE ASKED  
DAVID ABBT TO OBTAIN  
A COPY OF THE GUIDELINES.

JAN 24

Wm

Edmund P. Tarallo, President

William G. Constable, Vice-President

Dianne M. Shea, Secretary

Richard A. Easler, Treasurer

David C. Soule, Executive Director

PRINTED ON RECYCLED PAPER

If you have any further questions regarding transportation enhancements, please do not hesitate to call Christopher C. Skelly at the above number.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Soule". The signature is fluid and cursive, with the first name "David" and last name "Soule" clearly distinguishable.

David C. Soule  
Executive Director

cc: MAPC Community Representative  
TIP Community Contact  
Conservation Commission  
Planning Director/Planning Board  
Bicycle Coalition of Massachusetts  
Commonwealth of Massachusetts Historical Commission  
Commonwealth of Massachusetts, Department of Environmental Management  
Julia O'Brien, Metropolitan District Commission  
Metropolitan Planning Organization

**POST**

# MINUTEMAN TECH

CC: BOS - PLS. NOTE PROJECTED  
CHANGE IN OUR ASSESSMENT

JAN 18



MINUTEMAN TECH SCHOOL COMMITTEE

## AGENDA FOR JANUARY 18, 1994

meeting to be held at Minuteman Tech, 758 Marrett Road, Lexington, MA 02173

ITEM NO.	TIME FROM TO (P.M.)	DESCRIPTION and PRESENTER	NOTES	DATE FOR FOLLOW-UP REPORT (if any)
1	7:30 - 7:45	CALL TO ORDER & APPROVAL OF MINUTES Chairman and Recorder		
2	7:45 - 8:00	REPORT ON ACCESS ACTIVITIES Superintendent and Guidance Director		

# ANNUAL PUBLIC BUDGET HEARING

## 8 p.m.

3	8:00 - 9:30 ±	a. Budget b. Revenue c. Assessments d. Other e. Discussion w/public	Hearing is on Version 2 of budget previously distributed to towns. See reverse side for assessments.	
4	9:30 - 10:15	COMMITTEE DISCUSSION and possible action on budget.		
5	10:15 - 10:30	OTHER BUSINESS		
X	XXX	Date for next school Committee meeting is -- Schedule to be proposed		

**IMPORTANT:** Notify Chairperson in advance if you cannot attend this meeting.

### SPECIAL NOTES:

- c.c. 1. Boards of Selectmen  
2. Fincoms  
3. Arlington Study Com.

- OVER -

AFTERNOON-	60870											
FLEX-	43528											
		OPERATE DAY-	6,234,768									
	PROPOSED	MM TECH										
	1994-95	ASSESSMENTS										
A	B	C	D	E	F	G	H	I	J	K	L	
		ORIGINAL(Finl)	OPERATING			43,528		60,870	*****			
	PUPILS 10-92	CAPITAL (5)	SHARE	OPERATING \$	FLEX	FLEX \$	AFTERNOON	AFTERNOON \$	NEW ASSESS \$	PAST INITIAL	ASSESS CHANGE	
TOWN	Inc. P.T.FTE	PUPILS X 400	PUPILS/TOTAL	SHARE X DAY	PUPILS	SHARE	PUPILS	SHARE	E+G+I	ASSESSMENT	J-K	
BOLTON	8.38	\$0	0.017014	106,080	0	0	9	1,570	107,649	107,155	494	
DOVER	3.13	\$0	0.006355	39,622	0	0	1	174	39,796	35,015	4,781	
LANCASTER	20.25	\$0	0.041114	256,338	0	0	23	4,011	260,349	172,227	88,122	
NEEDHAM	38.5	\$0	0.078168	487,358	1	1,674	28	4,884	493,916	481,588	12,328	
ACTON	35.13	\$0	0.071328	444,699	2	3,348	23	4,011	452,058	648,321	-196,263	
ARLINGTON	170.13	\$0	0.345421	2,153,817	9	15,067	113	19,709	2,188,399	2,210,682	-22,283	
BELMONT	34.5	\$0	0.070048	436,724	3	5,022	23	4,011	445,758	455,171	-9,413	
BOXBORO	14.25	\$0	0.028932	180,386	0	0	3	523	180,909	179,916	993	
CARLISLE	11	\$0	0.022334	139,245	1	1,674	8	1,570	142,489	72,596	69,893	
CONCORD	28.63	\$0	0.058128	362,417	2	3,348	24	4,186	369,952	257,358	112,594	
LEXINGTON	51.75	\$0	0.105070	655,085	5	8,371	29	5,058	668,514	681,857	-13,143	
LINCOLN	8.25	\$0	0.016750	104,434	0	0	26	4,535	108,969	81,230	27,739	
STOW	23.38	\$0	0.047469	295,959	2	3,348	19	3,314	302,622	315,701	-13,079	
SUDBURY	24	\$0	0.048728	303,808	0	0	12	2,093	305,901	300,448	5,453	
WAYLAND	18.25	\$0	0.037054	231,020	0	0	5	872	231,893	222,712	9,181	
WESTON	3	\$0	0.006091	37,976	1	1,674	2	349	39,999	48,204	-8,205	
TOTAL	492.53	\$0	1.000000	6,234,768	26	43,528	349	60,870	6,339,166	6,269,979	69,187	
	+ NON-MEMBER									W/ ROUNDING	Up 1.1%	
	and SELF-FUNDED											

Notes: IF state policy does not change figures.

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: Jan. 27, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Preliminary Warrant Article Comments

You have asked for preliminary comments on the Warrant Article requests that have been submitted for the 1994 Annual Town Meeting. I have briefly reviewed the various requests and holding titles and offer the following:

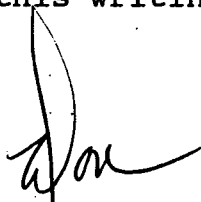
- A. VARIOUS ZONING ARTICLES - Submitted by Planning Board.  
I do not customarily comment on the Zoning Article submissions of the Planning Board, other than to recommend that the Board include them as part of your preliminary warrant.
- B. AMEND CHARTER - Submitted by Planning Board. Same comment as "A" above.
- C. ACCEPT LAND, HEARTHSTONE FARM - Submitted by Planning Board. Same comment as "A" above.
- D. REZONE LAND, DIGITAL PIPER ROAD - Holding Article.  
Retain on preliminary warrant.

- E. REZONE PARCEL NEAR E. ACTON VILLAGE - Potential Citizens' Petition, Holding Article suggested by Planning Department. Retain on preliminary warrant for a while to see if petition submitted.
- F. BLANCHARD AUDITORIUM CHIMNEY REPAIR - Submitted by School Department. Retain on Warrant.
- G. SCHOOL CAPITAL ARTICLE(S) - The Superintendent has requested a holding article until their budget process has progressed further. Retain on preliminary warrant.
- H. ADDITIONAL FUNDING, SELF-FUNDING PROGRAM - Submitted by Building Department. Program needs additional appropriation in FY94, adequate funding has been generated to cover this request. Retain on Warrant.
- I. VARIOUS EASEMENTS - Submitted by Engineering Department. Retain on Warrant.
- J. STREET ACCEPTANCE - Submitted by Engineering Department. Retain on Warrant.
- K. AMEND LOCAL HISTORIC DISTRICT BYLAW - Submitted by Chairman Hunter. Retain on Warrant.
- L. AMEND LOCAL HISTORIC DISTRICT BYLAW - Submitted by Municipal Properties Director. There is some merit to Board of Selectmen discussion of the points raised in this proposal. Retain on preliminary warrant.
- M. ACCEPT LAND, HEARTHSTONE FARM - Submitted by Municipal Properties Director. This seems to duplicate an article submitted by Planning. Retain on preliminary warrant until duplication confirmed.

- N. CEMETERY LAND FUND TRANSFER - Submitted by Municipal Properties Director. This item is "self-funding" and is contained as part of the FY95 Budget recommendations. Retain on Warrant.
- O. REPURCHASE CEMETERY LOT - Submitted by Cemetery Commissioners. Retain on Warrant.
- P. PURCHASE OF FELTUS LAND - Submitted by Mr. Feltus. Information is unclear at this time. Retain on preliminary warrant until staff is able to report further.
- Q. LICENSE RENEWAL AND ISSUANCE RESTRICTIONS - Submitted by Commission on Disability. This article is overly broad and moves the Commission on Disabilities from its statutory advocacy/advisory role into an enforcement capacity. This adds another layer of review and enforcement to a process that already has coverage of the subject. It also places the Commission in a position of enforcement that is currently reserved to the Federal Government and the courts. Not recommended.
- R. BUDGET FUNDING, MEMORIAL LIBRARY - Submitted by Library Trustees. Elements of this request have been addressed in the proposed budget. Retain on preliminary warrant pending decisions on budget and further discussion with Trustees.
- S. AFFORDABLE HOUSING, ADAMS STREET - Submitted by ACHC. This is a requested holding article. Retain on preliminary warrant.
- T. ESTABLISH COMMITTEE TO STUDY MUNICIPAL ELECTRIC POWER - Submitted by Citizens' Petition. Retain on Warrant.



- U. REZONE LAND IN EAST ACTON VILLAGE - Submitted by Citizens' Petition. (This may be a duplication of Article E above, referenced by the Planning Department.) Retain on Warrant.
- V. WEST ACTON CITIZENS' LIBRARY APPROPRIATION - Submitted by Citizens' Petition. This library is funded in the budget under consideration by the Board. The funding sought by this petition is redundant. Unfortunately, there is no choice. Retain on Warrant.
- W. REMOVE POSITION OF POLICE CHIEF FROM CIVIL SERVICE - Submitted by Town Manager. This is a move that is imperative as we approach the potential retirement of the current Police Chief and begin to anticipate his replacement. Retain on Warrant.
- X. CONCORD WATER DEPARTMENT/NAGOG POND - Submitted as a holding article at the request of the Board. There is little additional information at this time. Retain on preliminary warrant.
- Y. VARIOUS MUNICIPAL BUDGET-RELATED ARTICLES - The Board may wish to include one or more articles as the budget process progresses.
- Z. SCHOOL TEACHERS' EARLY RETIREMENT - I am told that a Citizens' Petition has been filed in this regard. I have not seen such an article as of this writing.

A handwritten signature in dark ink, appearing to be 'J. Don' or similar, is written below the text of item Z.

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

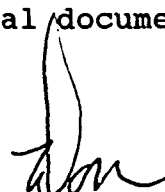
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DATE: Jan. 11, 1994

TO: Cathy Belbin, Town Clerk  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Blanchard Auditorium

The School Administration is researching several options to repairs that are necessary to the Blanchard Auditorium chimney. In connection with this research Bill Ryan has asked for copies of the deed and any documents that might contain stipulations regarding the maintenance, repair and/or modifications to this structure. (See attached copy of his letter of 1/4/94.)

Please pull any documents you may have and send copies to Bill and me. Also, please check with David Abbt, Dean Charter and anyone else who may have any insight into this issue. They may be able to point you toward additional documents.



cc: Bill Ryan

Board of Selectmen



**ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT**

16 Charter Road • Acton, MA 01720-2995 • (508) 264-4700 • FAX (508) 263-8409

**JAN - 4**

OFFICE OF THE SUPERINTENDENT  
William L. Ryan  
Director of Business and Community Education

January 4, 1994

Mr. Donald Johnson  
Town Manager  
Acton Town Hall  
Main Street  
Acton, MA 01720

Dear Don:

As you are aware we have received cost estimates from Universal Engineering Corporation regarding two alternatives for the Blanchard Auditorium chimney replacement/rehabilitation. Through you I would like to request that the town check the existing deed and any other stipulations or conditions in the bequest from the Blanchard family that might prohibit us from reducing the height of the existing chimney. Also enclosed is a copy of the letter (11/9/93) that I sent to you requesting that an article for the Blanchard Auditorium chimney repair be placed on the next Acton Special Town Meeting. Please include this article in the Warrant for the upcoming Annual Town Meeting. Once we resolve the above mentioned issues I will submit the proposed cost for the chimney replacement/rehabilitation.

Please give me a call if you need any further information.

Sincerely,

*Bill*

William L. Ryan,  
Director of Business and  
Community Education

WLR/baw

cc: Isa Zimmerman  
Steve Desy

COPY



**ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT**

16 Charter Road • Acton, MA 01720-2995 • (508) 264-4700 • FAX (508) 263-8409

OFFICE OF THE SUPERINTENDENT  
William L. Ryan  
Director of Business and Community Education

November 9, 1993

Mr. Donald Johnson  
Town Manager  
Acton Town Hall  
Acton, MA 01720

Dear Don:

Enclosed is a proposed warrant article and summary statement that we would like to have included on the Warrant for the Acton Special (January, 1994) Town Meeting. I will contact you with the specific dollar amount for the warrant article as soon as we have this information from our engineer.

1) ARTICLE: Blanchard Auditorium Chimney Repair

To see if the Town will raise and appropriate or appropriate from available funds the sum of \$\_\_\_\_\_, or any other sum, for the repair of the chimney at the Blanchard Auditorium, including any engineering fees and other costs incidental thereto and determine whether such appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto.

SUMMARY: This article requests funds for the repair of the Blanchard Auditorium chimney.

Sincerely,

William L. Ryan,  
Director of Business and  
Community Education

WLR/baw

cc: Isa Zimmerman  
Steve Desy



**UNIVERSAL ENGINEERING  
CORPORATION**  
CONSULTING ENGINEERS

100 BOYLSTON STREET BOSTON, MASSACHUSETTS 02116-4693 TEL (617) 542-8216 FAX (617) 423-0373

OTHER OFFICES:

LINCOLN, RI

December 21, 1993

Mr. Arthur Berry  
Supervisor of Special Projects  
Acton/Boxboro Public Schools  
16 Charter Road  
Acton, MA 01720  
Boston, MA 02116-3973

Reference: Blanchard Auditorium Chimney  
Acton, Massachusetts

Dear Mr. Berry:

Please find enclosed preliminary study report for the above referenced project. If you have any questions please call.

Very truly yours,

UNIVERSAL ENGINEERING CORPORATION

---

Emad A. Elsakka  
Project Manager

EAE:eae  
Enclosure  
931600\Let1221

ACTON/BOXBORO PUBLIC SCHOOLS  
BLANCHARD AUDITORIUM CHIMNEY  
PRELIMINARY REPORT  
SUBMITTED BY  
UNIVERSAL ENGINEERING CORPORATION  
DECEMBER 1993

## BACKGROUND

On November 23, 1993 a team of Universal Engineering Corporation engineers visited the site at the Blanchard Auditorium. The school's concern about cracking and movement of the stack joints initiated the need to conduct a condition survey of the stack at referenced site.

## STACK DESCRIPTION

The stack, built in 1954, is brick with a common bond interior wythe and a stack bond exterior wythe. The cap is cut granite. The top of the stack is 52 feet high from the center of the boiler. The stack consists of an air shaft and a chimney, each approximately 4'-0" square. There is a louver in the air shaft on the back side and a clock and school name on the front side.

## EXISTING CONDITIONS

Field inspection reveals cracking, staining, and movement in the joints throughout the top 20 feet of the stack. The bottom portion of the stack appears to be in good condition, minimum deterioration was observed. The brick veneer joints had as much as 1 1/4 " opening in the joints near the top. The joints of the granite caps have also shown movement and deterioration.

It appears that deterioration of the cut granite cap joints allowed water to penetrate the interior of the wall. This and the exhaust from the previously oil-fired boiler combined to produce sulfuric acid which has corroded the metal ties between the two wythes. Alternate freezing and thawing cycles also contributed to the deterioration of the stack. The lintel over the louver may also be affected but this was not evident at the time of the survey.

## PRELIMINARY STRUCTURAL EVALUATION

Overall the stack is in good condition except for the top 20 feet where heavy deterioration is evident. Preliminary evaluation indicate that the stack could be either rehabilitated or replaced, therefore both options were considered.

## PRELIMINARY MECHANICAL EVALUATION

Mechanical conditions, which impact any decisions regarding rehabilitation, concern themselves with the determination of stack height. A lower stack height would reduce the repair cost greatly.

Research into the required height indicates that, while the boilers have been reduced in output, the recommended height is around 38 feet. The present stack is about 52 feet high from the center of boiler to top of stack. Some 15 feet could be removed, subject to the requirement that there remains a 10 foot clearance between top of stack and the Boiler Room intake and the Auditorium exhaust louver.

The reduction in stack height is due to the fact that the boilers have fan assisted burners and boiler combustion air outlets are directly connected to the stack. The stack height was originally determined by the initial burners, which were oil-fired. The present boilers, while capable of burning either oil or gas, require only enough stack height to meet code clearances. A height of 38 feet is suggested by the Manufacturer.

The size of the intake could also be reduced to approximately 2/3 of its present size. The present air exhaust outlet at the roof level on the North side could remain in place. Inspection of the flue pipes and breaching indicated no problem of wear.

### ALTERNATES

Based on the results of the preliminary structural and mechanical analysis, two alternates have been considered during our evaluation of this project as follows:

#### Alternate (A) - Chimney replacement

This alternate considers the total replacement of the existing stack and replacing it with a new one with the same type. The new stack shall be rebuilt approximately 15 feet shorter than the existing one. In addition to being the more expensive one, this alternate was considered unfavorable for the following reasons:

- (1) The unjustified removal of the bottom portion of the stack which appears to be in good condition.
- (2) The greater impact that this alternate would have on the auditorium roof which adds to the complexity and cost of the project.

#### Alternate (B) - Chimney rehabilitation

This alternate considers the removal of the deteriorated portions of the stack and rebuilding it to the new height. This obviously is more economical since it will not interfere with the roof of the auditorium. The reduced height of the stack also results in additional savings since only five feet of stack need to be rebuilt.

### COST ESTIMATES

Preliminary cost estimates of the above alternates were performed and the results as follows:

Alternate (A) : \$58,210

Alternate (b) : \$25,000

### RECOMMENDATIONS

Based on the above discussions the following recommendations are made:

- (1) Due to the excessive cracking and movement in the joints, temporary bracing of the brick veneer is required as per included support detail. This temporary support shall remain until a decision is made regarding the final solution of the problem.
- (2) The deteriorated masonry be removed down to a point approximately 20 feet from the top, where cracking in the veneer joints is minimal. The new chimney will be rebuilt to a point approximately 15 feet below the existing elevation.

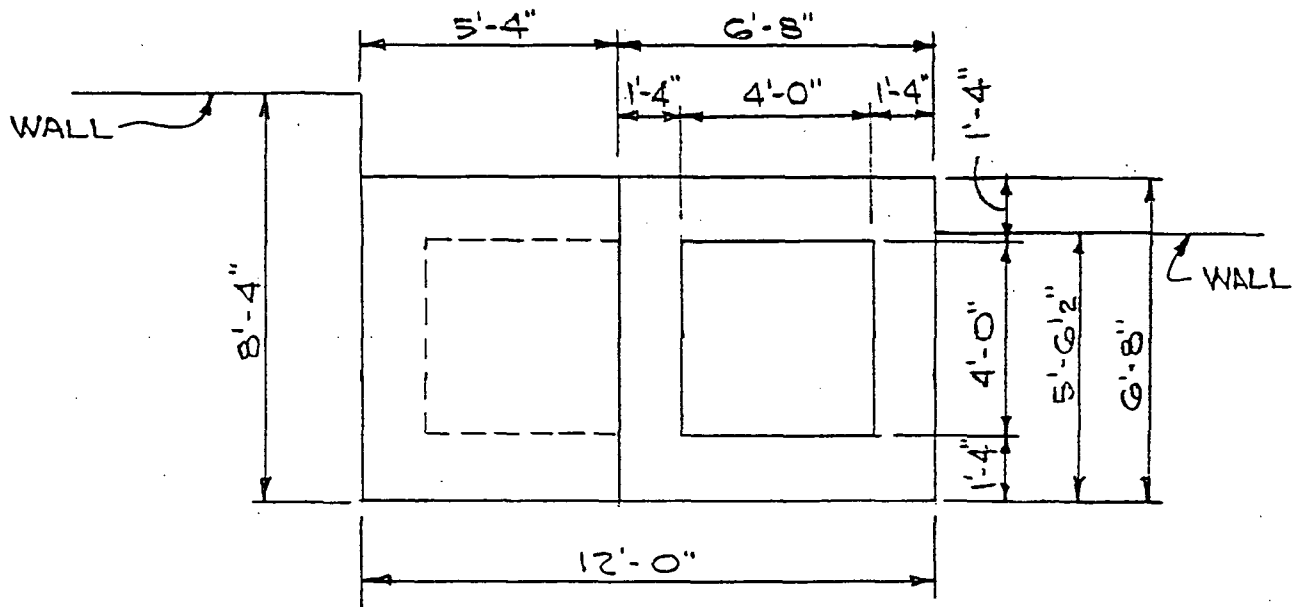


COMP. BY M.J.K  
DATE DEC. 3, 1993  
CHKD. BY \_\_\_\_\_  
DATE \_\_\_\_\_

UNIVERSAL ENGINEERING CORP.  
Consulting Engineers  
100 Boylston Street, Boston, MA 02116

INDEX NO. \_\_\_\_\_  
SHEET NO. 1  
JOB NO. 93160.00

ACTON PUBLIC SCHOOLS



PLAN  
SCALE: 1/4" = 1'-0"

\* FIELD DIMENSION OUT TO OUT OF CAPSTONE IS 6'-10"  
DUE TO MOVEMENT OF THE STONES

COMP. BY M.J.P.  
DATE DEC. 3, 1993  
CHKD. BY \_\_\_\_\_  
DATE \_\_\_\_\_

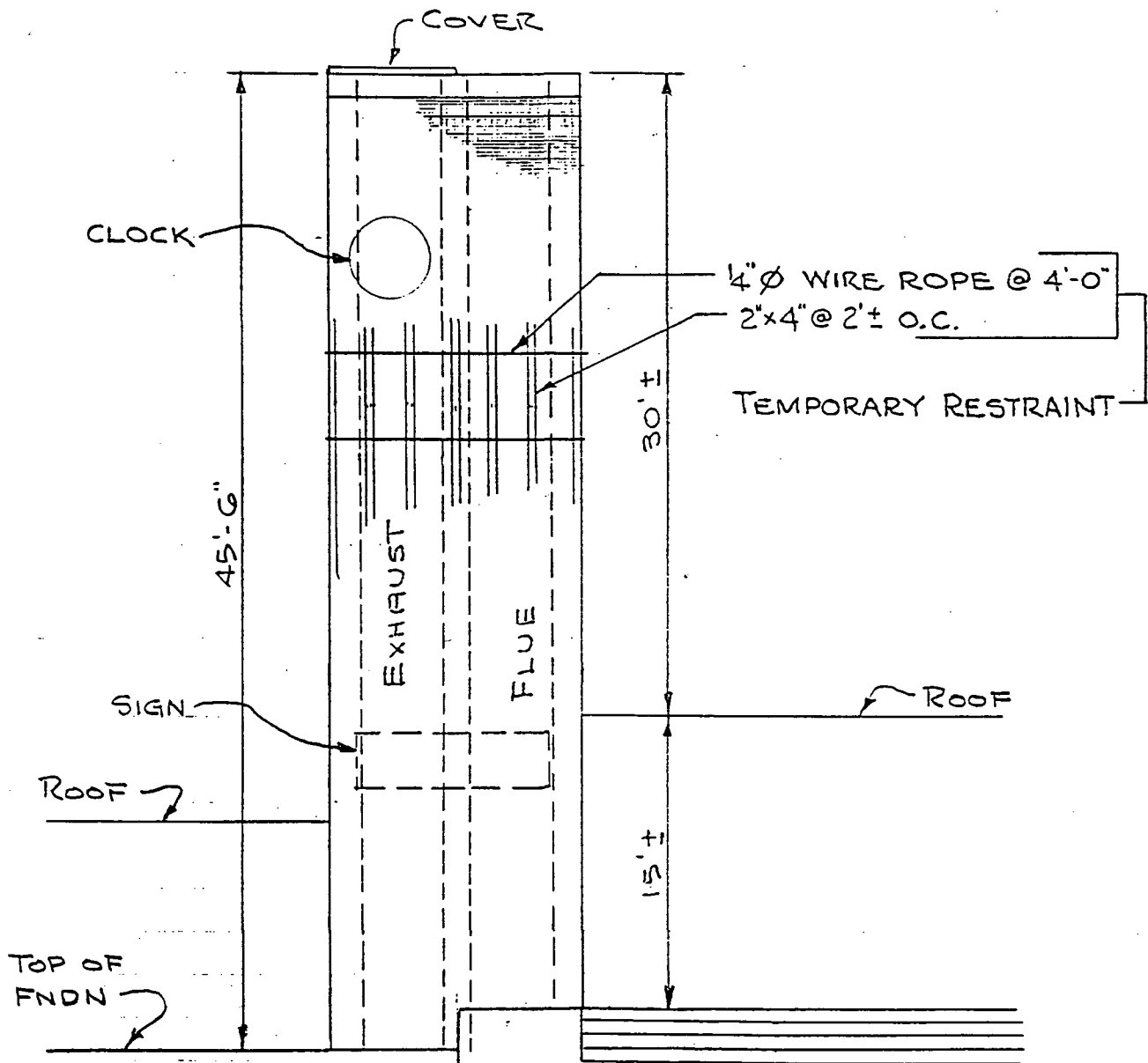
UNIVERSAL ENGINEERING CORP.

Consulting Engineers

100 Boylston Street, Boston, MA 02116

INDEX NO. \_\_\_\_\_  
SHEET NO. 2  
JOB NO. 93160.00

ACTON PUBLIC SCHOOLS



ELEVATION  
SCALE:  $\frac{1}{8}" = 1'-0"$

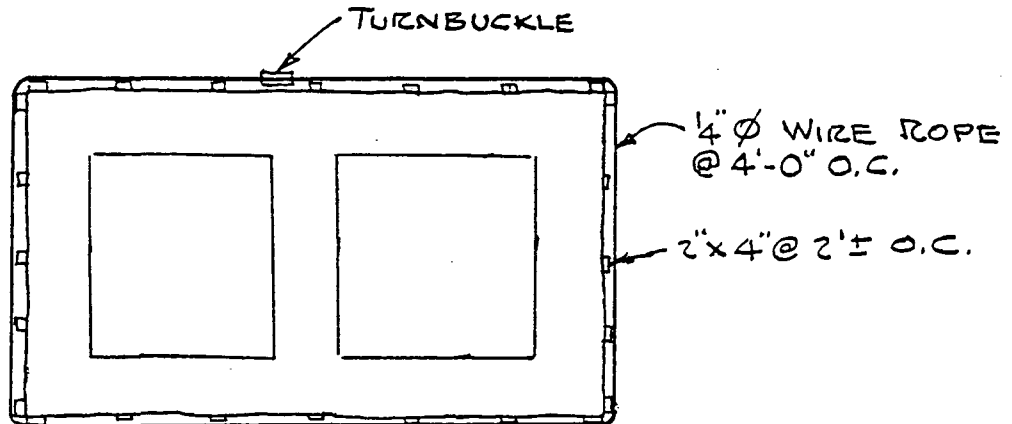
COMP. BY M.J.R  
DATE DEC. 14, 1993  
CHKD. BY \_\_\_\_\_  
DATE \_\_\_\_\_

  
**UNIVERSAL ENGINEERING  
CORPORATION**  
CONSULTING ENGINEERS

100 BOYLSTON STREET BOSTON, MASSACHUSETTS 02116-4693  
TEL (617) 542-8216 FAX (617) 423-0373

INDEX NO. \_\_\_\_\_  
SHEET NO. 3  
JOB NO. 93160

ACTON PUBLIC SCHOOLS  
TEMPORARY CHIMNEY RESTRAINTS



ATTACH WIRE ROPE TO 2"x4"  
WITH HEAVY DUTY STAPLES

COMP. BY M.J.R.  
DATE DEC. 2, 1993  
CHKD. BY \_\_\_\_\_  
DATE \_\_\_\_\_

UNIVERSAL ENGINEERING CORP.  
Consulting Engineers

INDEX NO. \_\_\_\_\_  
SHEET NO. 4  
JOB NO. 93160

100 Boylston Street, Boston, MA 02116

ACTON - BOXBOROUGH (BLANCHARD SCHOOL) CHIMNEY  
COST ESTIMATE

REPAIR

REMOVE TOP 16 FEET

REMOVE & RESET DAMAGED BRICK VENEER

REMOVE & REPLACE LOUVER

CAST IN PLACE CONCRETE CAP

DISPOSAL OF DEBRIS

TOTAL COST \$ 25,000

REPLACE

DEMOLITION

@ \$ 350 V.L.F. x 45 = 15750

REBUILD

@ \$ 1350 V.L.F. x 30 = 40500

DISPOSAL OF DEBRIS

@ \$ 12 C.Y. x 80 = 960

ROOFING & FLASHING

@ 1 L.S. x 1000 = 1000  
\$ 58210

January 25, 1994

TO: Board of Selectmen  
FROM: Nancy Tavernier  
SUBJECT: April 1988 Town Meeting votes on sewers

I have attached a copy of the proceedings of the April 11, 1988 Town Meeting that pertain to the "famous" sewer vote. Frankly, I thought that event would be forever burned in my consciousness but I found I was surprised, in rereading it, to recall that horrible experience of John McLaughlin's challenge to the vote. I also recall that the next day, the number of registered voters was recounted by the Town Clerk and it confirmed that John McLaughlin had been wrong. What a disaster!

As you can see, however, Town Meeting made some momentous decisions that night and all of those votes are still valid in my opinion.

**Article 1: Sewer Design** - authorizes \$290,000 to be used to design the necessary laterals, pump stations, force mains, and an expansion of the previously approved South Acton sewage treatment facility. 2/3's vote

**Article 2: Sewerage Construction** - \$3,165,000 was appropriated to construct sewers, sewerage systems and sewage treatment and disposal facilities for the collection of sewage from South Acton and Kelley's Corner. 2/3's vote

In both articles, the funding can be raised by borrowing and there is no contingent language for an override, but of course, that is how we would have to fund sewers.

**Article 3: Amend Town Bylaws** - Town meeting added a new section to the Bylaws to allow the Board of Selectmen to make rules and regulations relating to the use of public sewer lines and to adopt a schedule of assessments and sewer user fees. It also gave the Selectmen the authority to determine what portion of the cost of laying out and constructing a system would be borne by the taxpayers.

We worked very hard to get these votes and none of them need to be revoted unless more money is needed. I would suggest that at a future town meeting (not this April) if all has been agreed to by Maynard, then we ask Town Meeting for a majority vote to send our sewage to the Maynard Treatment plant just to clarify the language in articles 1 & 2 in regard to "South Acton Treatment Plant."

# Acton Town Report 1988

a) The decrease in the number of parking spaces is no more than 75% of the total number of spaces required under Section 6. The waived parking shall be set aside and shall not be intended for immediate construction. Such spaces shall be labeled as "Reserve Parking" on the site plan,

or take any other action relative thereto.

**MOTION:** MR. NIEMYSKI moves that the Town amend Section 10.4.4.1.a of the Acton Zoning By-law as set forth in this Article.

**MOTION CARRIES UNANIMOUSLY.**

## ARTICLE 9. GROUNDWATER PROTECTION DISTRICT MAP

To see if the Town of Acton will vote to raise and appropriate or appropriate from available funds, \$60,000.00, or any other sum for the completion of a new Groundwater Protection District Map; said sum to be expended by the Town Manager upon recommendation of the Groundwater Protection Coordinating Committee,

or take any other action relative thereto.

**MOTION:** MRS. TAVERNIER moves that the Town raise and appropriate the sum of \$75,000.00 for the completion of a new Groundwater Protection District Map; said sum to be expended by the Town Manager upon recommendation of the Groundwater Protection Coordinating Committee.

**MOTION CARRIES UNANIMOUSLY.**

MR. GILBERTI moves to dissolve this Special Town Meeting at 10:40 P.M.

**MOTION CARRIES UNANIMOUSLY.**

**SPECIAL TOWN MEETING IS DISSOLVED.**

**MODERATOR RESUMES ANNUAL TOWN MEETING AT 10:41 P.M.**

**MOTION:** MR. GILBERTI moves to adjourn the Annual Town Meeting until the point that we dissolve the Special Town Meeting which begins here on Monday, April 11, 1988 at 7:30 P.M.

**MOTION CARRIES UNANIMOUSLY.**

**ANNUAL TOWN MEETING IS ADJOURNED AT 10:41 P.M.**

## ABSTRACT OF THE PROCEEDINGS OF THE SPECIAL TOWN MEETING HELD APRIL 11, 1988 WITH ADJOURNED SESSION HELD APRIL 12, 1988

**MODERATOR CALLED THE SPECIAL TOWN MEETING TO ORDER AT 7:40 P.M.**

**THE FOLLOWING ARTICLE REQUIRES A 2/3 VOTE.**

## ARTICLE 1. SEWERAGE DESIGN

To see if the Town will vote to appropriate \$290,000.00, or any other sum, for engineering services to design laterals, pump stations, force mains and an expansion of the previously approved design of the South Acton sewage treatment facility for the collection of sewage for Sections 1, 2, and 3 in Kelly's Corner, as identified in the SEA Consultant's report presented to the Town in 1988; to determine whether this appropriation shall be raised by borrowing or otherwise; to authorize the Selectmen to apply for, accept, expend and borrow in anticipation of Federal and State Aid for such sewer project; or take any other action relative thereto.

**MOTION:** MR. WEEKS moves that \$290,000.00 be appropriated for engineering services to design laterals, pump stations, force mains and an expansion of the previously approved design of the South Acton sewage treatment facility for the collection of sewage for Sections 1, 2, and 3 in Kelly's Corner, as identified in the SEA Consultant's report presented to the Town in 1988; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$290,000.00 under G.L. c. 44, S7 (22); that the Town Manager with the approval of the Selectmen is authorized to contract for, accept, expend and borrow in anticipation of any federal or state aid available for the project; and that the Town Manager is authorized to take any other action necessary to carry out this project. \* see p 66

**MOTION CARRIES TOTAL VOTE - 720 YES - 571 NO - 149**

Mr. John McLaughlin interrupted the Town Meeting proceedings for a point of order, an irregularity in the vote count. The moderator declared the vote under Article 1 of Acton's Special Town Meeting of April 11, 1988 to be invalid since the total vote under Article 1 exceeded the number of voters registered by the checkers. (As reported by Mr. McLaughlin but not certified by the Town Clerk.) *(he was wrong)* The moderator instructed all voters to exit and to re-register with the checkers. When all voters returned to the auditorium the vote on Article 1 was taken again.

**MOTION CARRIES. TOTAL VOTE - 366 YES - 275 NO - 91**

**THIS ARTICLE REQUIRES A 2/3 VOTE.**

## ARTICLE 2. SEWERAGE CONSTRUCTION

To see if the Town will vote to appropriate \$3,165,000.00, or any other sum, to construct sewers, sewerage systems and sewage treatment and disposal facilities for the collection of sewage for Sections 1, 2, and 3 in South Acton, as identified in the SEA Consultant's report presented to the Town in 1985, but excluding the parcels fronting on High Street, and for Sections 1, 2, and 3 in Kelley's Corner, as identified in the SEA Consultant's report presented to the Town in 1988; to determine whether

this appropriation shall be raised by borrowing or otherwise; to authorize the Selectmen to apply for, accept, expend and borrow in anticipation of Federal and State Aid for such sewer project; or take any other action relative thereto.

**MOTION:** MR. WEEKS moves that \$3,165,000.00 be appropriated to construct sewers, sewerage systems and sewage treatment and disposal facilities for the collection of sewage for Section 1, 2, and 3 in South Acton, as identified in the SEA Consultant's report presented to the Town in 1985, but excluding the parcels fronting on High Street, and for Sections 1, 2, and 3 in Kelley's Corner, as identified in the SEA Consultant's report presented to the Town in 1988; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$3,165,000.00 under G.L. c. 44; that the Town Manager with the approval of the Selectmen is authorized to contract for, accept, expend and borrow in anticipation of any federal or state aid available for the project; and that the Town Manager is authorized to take any other action necessary to carry out this project.

**MOTION CARRIES. TOTAL VOTE - 286 YES - 219 NO - 67**

Following a counted vote of 442 - Yes - 223 No - 219 the Special Town Meeting was adjourned until April 12, 1988 at 7:30 P.M. APRIL 12, 1988 -

### **SPECIAL TOWN MEETING RECONVENES AT 7:30 P.M.**

#### **ARTICLE 3. AMEND TOWN BYLAWS**

To see if the Town will vote to:

(A) to amend the Town bylaws by adding a new section to Chapter D as follows:

##### **Sewer Rules and Regulations**

Section D10. The Board of Selectmen shall promulgate rules and regulations relating to the use of public sewer lines installed by the Town and shall adopt a schedule of sewer betterment assessments and sewer user fees.

and

(B) determine what portion of the cost of laying out and constructing a system or systems of sewerage and sewage disposal the Town shall pay; or take any other action relative thereto.

**MOTION:** MR. WEEKS moves (A) that the Town By-laws be amended by adding a new section 10 to Chapter D as set forth in this article; and (B) that the Town pay only a portion of the cost of laying out and constructing a system or systems of sewerage and sewage disposal, which portion shall be fifty percent.

**MOTION CARRIES.**

#### **ARTICLE 4. ADOPTION OF MASSACHUSETTS GENERAL LAWS CHAPTER 40 SECTION 39K**

To see if the Town will vote to accept Section 39K of Chapter 40 of the General Laws, relating to the establishment of Enterprise Funds; or take any other action relative thereto.

**MOTION:** MR. WEEKS moves that Section 39K of Chapter 40 of the General Laws be accepted.

**MOTION CARRIES.**

#### **ARTICLE 5. SEPTAGE DISPOSAL ENTERPRISE FUND**

To see if the Town will raise and appropriate from available funds the sum of \$250,000.00, or any other sum of money, under General Laws Chapter 44 Section 53E for the purpose of septage disposal or take any other action relative thereto.

**MOTION:** MR. WEEKS moves that the Town appropriate \$250,000.00 for the purpose of septage disposal, and that the receipts from septage disposal fees be set aside as a separate fund under G.L. c. 44, S53E to meet this appropriation.

**MOTION CARRIES.**

**MOTION:** MR. GILBERTI moves to adjourn the Special Town Meeting at 9:07 P.M.

**MOTION CARRIES UNANIMOUSLY.**

**THE ADJOURNED SESSION OF THE ANNUAL TOWN MEETING IS RECONVENED AT 9:05 P.M.**

### **APRIL 12, 1988 ANNUAL TOWN MEETING RECONVENES AT 9:07 P.M. ON TUESDAY, APRIL 12, 1988**

#### **ARTICLE 14. PURCHASE COMPUTER EQUIPMENT - ACTON PUBLIC SCHOOLS**

To see if the Town will vote to appropriate \$74,146.00, or any other sum, for the purchase of computer equipment and training of staff for the School Department and to determine whether such appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto.

**MOTION:** MRS. GRAESSER moves that the Town raise and appropriate \$74,146.00 for the purchase of computer equipment and training of staff for the School Department.

**MOTION CARRIES.**

# 1986 Acton Town Report

Moderator appoint a standing committee consisting of five (5) to seven (7) members for the purpose set forth in this article.

MOTION LOST YES - 54 NO - 66  
TOTAL VOTE - 120

Voted: To adjourn at 11:08 p.m. until Monday, April 14, 1986 at the Acton-Boxborough Regional High School Auditorium at 7:30 p.m.

APRIL 14, 1986

Moderator called the meeting to order at 7:40 p.m.

## ARTICLE 46. - Health Department Staffing

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money for salaries, fringe benefits, supplies and equipment to provide the necessary additional full and/or part time employees on the staff of the Town Health Department for the purpose of increased identification of individual and neighborhood wastewater disposal problems and increased enforcement of municipal and state laws, by-laws, and regulations related to wastewater disposal systems, or take any other action relative thereto.

## ARTICLE 46.

Voted; That the Town appropriate from available funds the sum of \$39,900.00 for salaries, fringe benefits, supplies, equipment and expenses to provide one (1) full time Sanitarian and one (1) full time Secretary on the staff of the Town Health Department for the purpose of increased monitoring of wastewater disposal systems and increased compliance of municipal and state laws, by-laws, and regulation related to wastewater disposal systems.

YES - 274 NO - 266 TOTAL VOTE - 540

## RESOLUTION FOR TOWN MEETING ACTION

Voted: WHEREAS the Town of Acton has operated under budgetary constraints for eight years, first under the 4 percent tax cap and then under the limitation of Proposition 2 1/2 and

WHEREAS inflation and certain fixed costs are uncontrollable and

WHEREAS controllable costs have been curtailed to the extent possible without seriously jeopardizing the quality of services delivered to our citizens and

WHEREAS reserve funds and taxing ability have been used to their practical limits and the remaining source of revenue increase can only be derived from local aid

WHEREAS many cities and towns have received negligible local aid increases for several successive years

BE IT RESOLVED that the Town of Acton notify the Governor, the Legislature through its legislators and the Secretary of Administration and Finance that it urgently seeks relief through an adjustment to the local aid formula that would provide for a minimum annual increase in local aid for each city and town of at least 2 1/2 percent of its previous year's tax levy.

## ARTICLE 47.- Sewer Collector System Design

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow \$175,000.00, or some other sum of money to be expended by the Town Manager for the design of sewer piping, and any necessary pumping system, to collect the wastewater discharge from the 160 parcels of land in and around South Acton Center identified in the SEA Consultants Report presented to the Town in 1985, or some other group of parcels, with provision for some eventual system expansion, and to authorize the Town Manager to apply for, accept, and expend any Federal and State grants available for these purposes, or take any other action relative thereto.

## ARTICLE 47.

## 2/3 VOTE REQUIRED

Voted: That the Town appropriate the sum of \$175,000.00 for engineering services for the design of sewer piping, and any necessary pumping system to collect the wastewater discharge from the parcels of land identified in the SEA Consultants Report as areas 1, 2 and 3, with the exception of parcels fronting on High Street; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$175,000.00 under G.L. C. 44, S7; that the Town Manager is authorized to contract for and expend any federal or state aid available for the project, which shall be expended in addition to the amount appropriated by this vote; that the Town Manager is authorized to take any other action necessary to carry out this project; and raise and appropriate \$6,000.00 for the payment of interest and underwriting costs on such borrowing in fiscal year 1987.

YES - 555 NO - 95 TOTAL VOTE - 650

## ARTICLE 48. - Design Sewer Treatment Plant & Interceptors

To see if the Town will raise and appropriate, appropriate from available funds, or borrow \$80,000.00, or some other sum of money to be expended by the Town Manager for the design of a sewerage treatment facility or additions to a sewerage treatment facility which will be of adequate capacity to receive and treat wastewater from the 160 parcels in South Acton identified in the 1985 SEA



Town Meeting  
April 14, 1986

Consultants Report, or some other greater or lesser number of parcels, as well as any minimum quantity of septage from Town owned facilities or other sources in Town that might enhance the likelihood that the facility would qualify for Federal or State grant funds - but not to exceed 3% of the overall plant capacity, with the necessary interceptor sewers, and with appropriate provisions for overall plant and sewer expansion contingencies, so configured and sited that the processed water from the facility will be discharged into either a stream which is recognized by the appropriate State and Federal Officials as having sufficient minimum flow at all times to receive the discharge (if discharge is to be into the Assabet River the design of the interceptor sewers to be so configured that discharge might be made into the Maynard wastewater treatment facility on a temporary or permanent basis) or into an appropriate leaching or other infiltration area located on land owned by the Town or the Acton-Boxborough Regional School District, and to authorize the Town Manager to apply for, accept, and expend any Federal or State grants for such purpose, or take any other action relative thereto.

ARTICLE 48.

Voted: That the town appropriate the sum of \$80,000.00 for engineering services for the design of an interceptor sewer to receive sewage from the parcels of land identified in the SEA Consultants Report as areas 1, 2, and 3, with the exception of parcels fronting on High Street, and transmit the material to the Maynard wastewater treatment facility via River Street, Parker Street, High Street and municipal lands; the main interceptor line shall be of sufficient size to allow for reasonable expansion to serve future documented problem areas in the town, and to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$80,000.00 under G.L. c. 44, S7; that the Town Manager is authorized to contract for and expend any federal or state aid available for the project, which shall be expended in addition to the amount appropriated by this vote; that the Town Manager is authorized to take any other action necessary to carry out this project; and raise and appropriate \$2,600.00 for the payment of interest and underwriting costs on such borrowing in fiscal year 1987.

YES - 411 NO - 115 TOTAL VOTE - 526

ARTICLE 49. Alternate Assabet River Treatment Plant Site

To see if the Town will authorize the Board of Selectmen to purchase, take by eminent domain or otherwise acquire for sewerage disposal purposes, the fee or any other interest in all or part of two parcels of land in the vicinity of Knox Trail which are described as Parcel 136 on Sheet 1-3 of the

Town Atlas, containing 27.7 acres more or less, and Parcel 5-1 on Sheet J-4 of the Town Atlas, containing 0.4 acres more or less, said combined parcels containing 28.1 acres more or less and having 125 feet of frontage, more or less, on Knox Trail, and further to appropriate a sum of money therefor and determine whether such appropriation shall be raised by borrowing or otherwise, and, contingent upon the acquisition of said parcels in the vicinity of Knox Trail or some other land in the same area for sewerage disposal purposes, to convert the use of part of the Town owned parcel of land lying along the south side of Adams Street which was acquired for sewerage disposal purposes under the authority of Article 23 of the 1967 Annual Town Meeting to recreational purposes and to convey the fee interest in the remainder of said Adams Street parcel to the highest bidder, or take any other action relative thereto.

ARTICLE 49.

Voted: To take no action.

MOTION TO ADJOURN WAS LOST

ARTICLE 50. - Fort Pond Brook Flow Enhancement

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow a sum of money to be expended by the Town Manager for the environmentally permissible cleaning and reconfiguration of the bed of Fort Pond Brook within the Town, or other steps relative thereto, for the purpose of increasing the minimum flow of that stream, and to authorize the Town Manager to obtain any necessary authority from the abutting and nearby landowners to perform such work and to apply for, accept, and expend any Federal and State grants available for these purposes, or take any other action relative thereto.

ARTICLE 50.

Voted: To take no action.

ARTICLE 51. - Fort Pond Brook Sewer Treatment Plant Site

To see if the Town will authorize the Board of Selectmen to take, by eminent domain or otherwise acquire for sewerage disposal purposes, the fee of any other interest in all or part of the parcel of land located near South Acton Center and described as Parcel 251 on sheet H-3 of the Town Atlas, owned by W.R. Grace Company, said parcel containing 8.11 acres more or less, and to further appropriate a sum of money therefor and determine whether such appropriation shall be raised by borrowing or otherwise, or take any other action thereto.

December 27, 1993 JAN 24 1994

Mr. Walter S. Sokolowski, Superintendent  
Department of Public Works  
Municipal Building  
195 Main Street  
Maynard, MA 01754

**Re: Revising Wastewater Treatment Facility Upgrade  
January 1993 Report to Include Acton, Mass.**

Dear Mr. Sokolowski:

Attached is our estimate of the effort required to revise the January 1993 Wastewater Treatment Facility Upgrade Report to include wastewater and septage flow from the South Acton Service Area at a rate of 0.2 MGD wastewater, and septage in the range of 2,000,000 to 3,000,000 gallons per year, under the assumption that the overall treatment process will remain as originally recommended.

The following is our scope of services, estimated fee and time to complete:

**SCOPE OF SERVICES**

**TASK 1 - DATA REVIEW**

Review data submitted by the Town of Acton and revise the report to include 200,000-gpd of wastewater flow from Acton and septage. Review literature and experience data for strength of waste.

**TASK 2 - REVISE ORIGINAL DESIGN CRITERIA**

Revise the original design criteria to include Acton's wastewater and septage flows and loadings as determined above.

**TASK 3 - REVISE SLUDGE GENERATION PROJECTIONS**

Review appropriate report sections to reflect the sludge generation projections.

Mr. Walter S. Sokolowski  
December 27, 1993  
Page 2

**TASK 4 - EVALUATE TREATMENT PROCESS IMPACTS,  
MAINTAINING A 1.45 MGD CAPACITY**

Evaluate the treatment facility based upon the higher loading rates. It is assumed that Acton's wastewater flow rates will be absorbed into the existing permit limits which is based upon a 1.45 MGD flow.

**TASK 5 - EVALUATE DISCHARGE PERMIT IMPACT**

Evaluate to allow obtaining a flow and loading permit increase by the Town of Maynard to maintain their current "reserve capacity".

**TASK 6 - EVALUATE PROCESS MODIFICATIONS REQUIREMENTS**

Evaluate process modifications that will be required to handle the increased loading rates from Acton and to meet the NPDES permit requirements.

**TASK 7 - REVISE CAPITAL AND O & M COST ESTIMATES**

Revised capital and O & M costs will be prepared for the previously recommended treatment process. The work would include a preliminary estimate of the allocation of costs to Maynard and the Town of Acton.

**TASK 8 - REPORT UPDATE**

The January 1993 report will be revised to include a description of items presented above, which result from the addition of South Acton sewage and septage, and will include additional recommendations if they differ from the original report.

**TASK 9 - MEETINGS (Optional Item)**

We will make ourselves available for up to three meetings between Maynard and Acton to discuss the results of our findings.

**ESTIMATED FEE**

We propose an estimated fee of \$12,000 to perform the above scope of services. This is a not-to-exceed fee and will not be exceeded without your permission.

Mr. Walter S. Sokolowski  
December 27, 1993  
Page 3

TIME TO COMPLETE

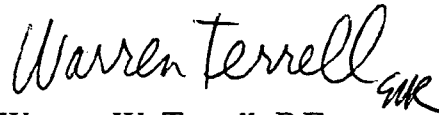
We propose to complete the above scope of services within a four week period after formal notice to proceed by the Town and receipt of wastewater loading data from the Town of Acton.

We have prepared this estimate based upon our understanding of your needs resulting from our meeting last month. We trust that this letter proposal and the attached draft Professional Services Agreement (PSA) are acceptable to you and the Town. If so, please sign the three sets of the PSA and return them to our office for our signature. This will serve as the Town's Notice to Proceed. We will return a fully executed PSA for your files.

Thank you again for the opportunity to present this proposal. We look forward to continuing to work with you and the Town of Maynard on this project. Please call if you have any questions.

Very truly yours,

DUFRESNE-HENRY, INC.

*Warren Terrell* 

Warren W. Terrell, P.E.  
Project Manager

cc: James Donison, P.E.  
Ed Rushbrook, P.E.

# PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT is made between DUFRESNE-HENRY, INC. (DH) and

CLIENT: TOWN OF MAYNARD

ADDRESS: 195 MAIN ST., MAYNARD, MA 01754

Services covered by this AGREEMENT will be performed in accordance with the PROVISIONS stated on the back of this form and any attachments or schedules. This AGREEMENT represents the entire AGREEMENT between the CLIENT and DH and supersedes all prior written and/or oral understandings. The AGREEMENT may only be modified by a written amendment executed by both parties.

**PROJECT: REVISING WASTEWATER TREATMENT FACILITY UPGRADE**

JAN/93 REPORT TO INCLUDE ACTON, MASS.

**SCOPE OF SERVICES: PREPARE LETTER REPORT (See Attachment)**

**FEE: \$12,000 (NOT-TO-EXCEED)**

**TIME OF COMPLETION: FOUR WEEKS FROM NOTICE TO PROCEED**

**ATTACHMENTS: SEE LETTER PROPOSAL DATED DEC. 27, 1993**

**RETAINER:** A retainer in the amount of \$ N/A will be required prior to initiation of the above described services. This amount will be credited to the CLIENT in final billing.

**Signatures of the parties below confirm execution of this AGREEMENT.**

**APPROVED FOR CLIENT**

ACCEPTED FOR DUFRESNE-HENRY, INC.

Signed \_\_\_\_\_  
(Signature)

Signed \_\_\_\_\_  
(Signature)

By \_\_\_\_\_  
(Printed)

By GERARD F. CONKLIN, P.E.  
(Printed)

**Title** \_\_\_\_\_

**Title** **PRESIDENT**

Date \_\_\_\_\_

# MAYNARD, MASSACHUSETTS

## WASTEWATER TREATMENT FACILITY UPGRADE REVISIONS TO INCLUDE ACTON

### MANHOOR AND BUDGET ESTIMATE

TASK	ACTIVITY	Principal	Project Manager	Process Specialist	Project Engineer	Field Observation	Designer	Clerical	TOTAL HOURS	LABOR COST	Expenses
TASK 1	DATA REVIEW		2	4	8				14	\$1,100	\$100
TASK 2	REVISE DESIGN CRITERIA		2	2	8			2	14	\$984	
TASK 3	REVISE SLUDGE GENERATION PROJECTIONS		2	4	8				14	\$1,100	
TASK 4	EVALUATE TREATMENT PROCESS IMPACTS		2	8	12			2	24	\$1,834	
TASK 5	EVALUATE DISCHARGE PERMIT IMPACTS		2	2	4				8	\$630	
TASK 6	EVALUATE PROCESS MODIFICATION REQUIREMENTS		2	4	8				14	\$1,100	
TASK 7	REVISE CAPITAL AND O&M COSTS / ALLOCATION		6	4	12			2	24	\$1,774	
TASK 8	REVISE REPORT		4	4	8			2	18	\$1,334	\$100
TASK 9	ATTEND UP TO 3 MEETINGS WITH ACTON		8	4	12				24	\$1,860	\$100
		0	30	36	80	0	0	8	154	\$11,716	
	HOURLY RATE	\$90	\$80	\$95	\$70	\$55	\$55	\$37			
	LABOR COST	\$0	\$2,400	\$3,420	\$5,600	\$0	\$0	\$296		\$11,716	\$300
	TOTAL D&H LABOR COST		\$11,716								
	D&H EXPENSES		\$300								
	TOTAL D&H COST		\$12,016								

# PROVISIONS

## 1. AUTHORIZATION TO PROCEED

Execution of this AGREEMENT by the CLIENT and DH will be authorization for DH to proceed with the work, unless otherwise provided for in this AGREEMENT. Use of Purchase Order to authorize work will not alter the terms of this AGREEMENT.

## 2. USE OF DOCUMENTS

The CLIENT agrees that DH's services are on behalf of, and for the exclusive use of, the CLIENT for this Project and that all documents furnished to the CLIENT are instruments of service and shall be utilized solely for this Project. Any reuse without written verification or adaptation by DH for other than the specific purpose intended will be at CLIENT's sole risk and without liability or legal exposure to DH or DH's independent consultants. CLIENT shall indemnify and hold harmless DH and DH's independent consultants from all claims, damages, losses and expenses including all attorney's fees arising from such reuse.

## 3. LIMITATION OF LIABILITY

To the maximum extent permitted by law, the CLIENT agrees to limit DH's total liability for all claims to the total compensation paid to DH under this AGREEMENT. The CLIENT agrees not to personally charge any employee of DH with any liability arising out of the performance of this AGREEMENT.

## 4. OPINIONS OF COST

Cost estimates and Project economic evaluations provided by DH are opinions based on experience and judgement. Since DH has no control over market conditions or bidding procedures, DH cannot warrant that bids, ultimate construction cost, or Project economics will not vary from these opinions.

## 5. STANDARD OF CARE

The standard of care applicable to DH's services will be the degree of skill and diligence normally employed by professional engineers or consultants performing similar services at the same time, in the same locale, and under similar circumstances. The CLIENT agrees that services provided will be rendered without any other warranty, expressed or implied.

## 6. PAYMENT TO DH

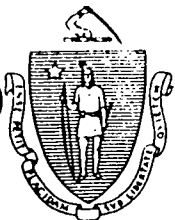
DH will submit monthly invoices for services rendered and expenses incurred. The invoices will be based upon DH's total services actually completed at the time of billing. The CLIENT shall make payment within 30 days in response to DH's monthly invoice. Successive invoices may include interest charges of 1½% per month on unpaid balances. CLIENT agrees to pay all charges including attorney's fees involved in collection of unpaid balances.

## 7. TERMINATION

The obligation to provide further services under this AGREEMENT may be terminated by the CLIENT for cause and by DH in the event of failure by the CLIENT to perform in accordance with the terms thereof. Such termination by either party requires 7 days written notice. In the event of termination, DH shall be paid for services rendered to date of termination.

## 8. SEVERABILITY AND REFORMATION

Any provision of this AGREEMENT held to be void or unenforceable shall be deemed stricken. All remaining provisions shall continue to be valid and binding. The parties agree that this AGREEMENT may be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.



JOHN M. URBAN  
Commissioner

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION  
~~COMMUNITY ANTENNA TELEVISION COMMISSION~~

JAN 4 7 1994

LEVERETT SALTONSTALL BUILDING  
100 CAMBRIDGE STREET, BOSTON 02202

CC: BOS

CABLE ADVISORY COMM.

January 24, 1994

PLS. NOTE HEARINGS SCHEDULED  
RE A-R RATES !!

(617) 727-6925

BY FAX

Mr. William P. Morton  
General Manager  
A-R Cable Services, Inc./Cablevision Systems  
577 Main Street  
Hudson, MA 01749

Re: Pre-Hearing Conference and Public Hearing on Rate Regulation  
Revised Date for the Public Hearing

Dear Mr. Morton:

The Commission, at the request of your Senior Associate Counsel, Marti Green, Esq., has changed the date upon which your public hearing will be held. The Commission has now established Thursday, February 24, 1994 as the date on which it will hold a public hearing concerning the cable television rates for the basic service tier and associated equipment of A-R Cable Services/Cablevision Systems for the communities of Acton, Bedford, Braintree, Fitchburg, Gardner, Georgetown, Groveland, Haverhill, Hudson, Leominster, Lexington, Lunenburg, Lynnfield, Maynard, Norwood, Peabody, Stow, Sudbury, Templeton, Westminster and Westwood. The hearing will be held at 2 P.M. at The Massachusetts State Board of Medicine Conference Room, 10 West Street, 2nd Floor, Boston.

The Commission's regulations require that A-R Cable Services/Cablevision Systems arrange for notice of the public hearing, both by newspaper publication and by cablecasting. Please note that a notice of the hearing must be published in a newspaper of general circulation serving each of the affected towns. A copy of the applicable regulation, together with a copy of the Notice of Hearing, are included with this letter.

In addition to the rate hearing, a one hour pre-hearing conference has also been scheduled for Monday, January 31, 1994 from 3 P.M. to 4 P.M. This date has not been changed. It will be a joint pre-hearing conference with Cablevision of Boston and Cablevision of Brookline. This pre-hearing conference will be held to review matters particular to your filings. Therefore,



## **REVISED NOTICE - NEW HEARING DATE**

### **COMMONWEALTH OF MASSACHUSETTS COMMUNITY ANTENNA TELEVISION COMMISSION**

#### **NOTICE OF PUBLIC HEARING ON CABLE TELEVISION RATES**

##### **A-R CABLE SERVICES, INC./CABLEVISION SYSTEMS**

Pursuant to M.G.L. c. 166A, § 15, and 207 CMR 6.37, the Community Antenna Television Commission will hold a public hearing on Thursday, February 24, 1994, concerning the cable television rates for the basic service tier and associated equipment of A-R Cable Services/Cablevision Systems for the communities of Acton, Bedford, Braintree, Fitchburg, Gardner, Georgetown, Groveland, Haverhill, Hudson, Leominster, Lexington, Lunenburg, Lynnfield, Maynard, Norwood, Peabody, Stow, Sudbury, Templeton, Westminster, and Westwood. The hearing will be held at 2 P.M. in The Massachusetts State Board of Medicine Conference Room, 10 West Street, 2nd Floor, Boston. By Order of the Community Antenna Television Commission, John M. Urban, Commissioner.

Don Herskovitz  
88 Hammond Street  
Acton, Massachusetts 01720  
(508)-263-0473

JAN 27 1994

24 January 1994

Board of Selectmen  
Town of Acton  
Acton, MA 01720

Good News!!

At the 20 January meeting of the Advisory Board of the Lowell Regional Transit Authority (of which I am Acton's representative), Administrator Bob Kennedy announced that the Acton Council on Aging's Elderly and Handicapped van will be replaced. As you probably are aware, the present 1988 Ford has many miles on it and was at the point of constituting a maintenance burden. But the patients of Carol Lake and the COA has been rewarded with a 1994 Ford EMC "El Dorado".

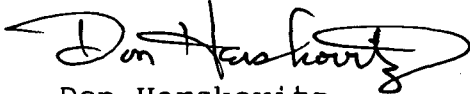
I have seen the van (or its twin in Lowell) and it really deserves the appellation of El Dorado. A truly impressive machine with a seating capacity of 16 plus two wheelchair spaces. ~~The van will be ready for delivery within two weeks.~~

I've informed Carol Lake of its impending arrival and asked her if she would coordinate a proper welcome of the van into Acton. Those steps might include a "photo opportunity" in front of the new senior citizen facility with the van and some "dignitaries", perhaps including some members of the BOS, etc. So this letter serves the dual purpose and informing you of the pending arrival of the new vehicle as well as inviting your presence at the welcoming. I trust that further specifics will be forthcoming.

In addition, ~~it was announced~~ that maintenance of these vehicles, both routine and major, would be conducted at LRTA facilities and that a much desired "loaner" policy is to be instituted.

All in all, some welcome news in an era of declining budgets! Feel free to contact me if you desire additional information. While I may not be at home, my trusty answering machine will insure a return call.

Sincerely,



Don Herskovitz  
Assoc. Member  
Transportation Advisory Committee

# COUNCILS ON AGING VEHICLE ACQUISITIONS

ACTON COA
'88 FORD EMC 16-18 PASSENGERS
NEW VEHICLE
1994 FORD EMC 16-18 PASSENGERS

CHELMSFORD COA
'87 FORD EMC 16-18 PASSENGERS
NEW VEHICLE
1994 FORD EMC 16-18 PASSENGERS

TOWNSEND ROAD RUNNER
'86 FORD CHALLENGER 14 PASSENGERS
NEW VEHICLE
1994 BRAUN 8-11 PASSENGERS

DRACUT COA
'87 FORD EMC 16-18 PASSENGERS
NEW VEHICLE
1994 FORD STARTRANS 8-11 PASSENGERS

TYNGSBOROUGH COA
'87 FORD EMC 16-18 PASSENGERS
NEW VEHICLE
1994 BRAUN 8-11 PASSENGERS

94 FORD EMC (16-18 passengers)



94 FORD STARTRANS (8-11 passengers)



94 BRAUN (8-11 passengers)



# LRTA PARATRANSIT VEHICLE

## ACQUISITION AND DEPLOYMENT

### OMNI BUS (ROADRUNNER)

GROTON  
'92 DODGE  
8-11 PASS.

CHELMSFORD  
'92 DODGE  
8-11 PASS.

PEPPERELL  
'92 DODGE  
8-11 PASS.

ACTON  
'92 DODGE  
8-11 PASS.

BILLERICA  
'88 FORD  
EMC  
16-18 PASS

BILLERICA  
'88 FORD  
EMC  
16-18 PASS

LOWELL  
'85 DODGE  
10 PASS.

LOWELL  
'85 DODGE  
10 PASS.

LOWELL  
'87 FORD  
EMC  
16-18 PASS

DRACUT  
'86 FORD  
EMC  
16-18 PASS

LOWELL  
'85 DODGE  
10 PASS.

LOWELL  
'83 FORD  
CHAMPION  
16-18 PASS


WESTFORD  
'85 DODGE  
10 PASS.  
'94 FORD  
STRTRNS  
8-11 PASS.

LOWELL  
'88 FORD  
EMC  
16-18 PASS  
'94 FORD  
STRTRNS  
8-11 PASS.  
(CNG)

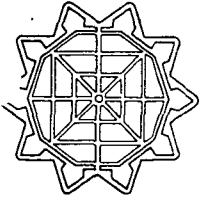
LOWELL  
'88 FORD  
EMC  
16-18 PASS  
'94 FORD  
STRTRNS  
8-11 PASS.  
(CNG)

LOWELL  
'87 FORD  
EMC  
16-18 PASS  
'94 FORD  
EMC  
16-18 PASS

'94 FORD EMC (16-18 PASSENGER) 

94 FORD STARTRANS (8-11 PASS.) 

cc: BOS



**Massachusetts  
Municipal  
Association**

Sixty Temple Place

Boston, Massachusetts 02111

(800) 882-1498

(617) 426-7272 FAX (617) 695-1314

JAN 27

January 26, 1994

Dear Local Official,

Governor William Weld has proposed to the Legislature a \$16.1 billion state budget for fiscal 1995 that includes almost \$3.0 billion in payments to cities, towns, and school districts. As in past years, the budget includes a section that lists the amounts that each municipality and school district would receive through the three main payment accounts if the Governor's recommendation were enacted. These amounts are attached. The recommendation for these accounts [Chapter 70 school aid; additional assistance; and state lottery fund distributions] totals \$2.5 billion.

The payment numbers warrant some explanation. The \$1.62 billion Chapter 70 amount is total earmarked school aid for fiscal 1995 under the new school finance law. It includes base amounts distributed in fiscal 1994 plus new amounts allocated through the various aid types under the new formula. The Department of Education is expected to notify local officials soon of the amounts of each type of aid and the minimum required local contribution to schools from local revenues.

The additional assistance account was level-funded in the Governor's proposed budget at \$476 million. The amounts for fiscal 1995 for each city and town would be the same as for fiscal 1994.

There are two separate items in the Governor's budget for state lottery fund distributions. The first, "Lottery Distribution", totals \$329 million and would provide each city and town with the same amount as in fiscal 1994. The second item, labeled "Lottery Distribution Increase", includes the \$20 million "Municipal Stabilization Aid" amount from the fiscal 1994 Cherry Sheet plus the \$40 million in new lottery distributions proposed by the Governor for fiscal 1995. The *actual* fiscal 1995 increase for your municipality would be your share of the proposed additional \$40 million. This can be calculated by subtracting your stabilization aid amount for fiscal 1994 from the figure identified as your lottery distribution increase for fiscal 1995 in the attached document.

The next step in the process is to gain adoption of a local aid resolution in both branches of the Legislature during February so that real Cherry Sheets can be sent out by March 1 as the law requires. We will be in touch with you on this matter very soon.

Sincerely,

Geoffrey C. Beckwith  
Executive Director

MUNICIPALITY	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution	Lottery Distribution Increase
ABINGTON	4,162,862	0	933,624	152,346
ACTON	826,586	37,368	604,239	121,346
ACUSHNET	2,679,964	30,043	725,930	112,092
ADAMS	0	44,096	1,027,029	135,663
AGAWAM	6,631,121	0	1,697,549	288,286
ALFORD	0	0	8,038	1,043
AMESBURY	5,267,872	0	934,509	142,342
AMHERST	3,379,071	280,503	3,453,217	649,089
ANDOVER	2,042,073	0	695,537	157,035
ARLINGTON	2,962,323	5,652,310	2,066,731	382,888
ASHBURNHAM	0	0	243,314	57,507
ASHBY	0	0	159,768	30,782
ASHFIELD	0	0	67,485	13,950
ASHLAND	784,527	366,937	360,290	92,253
ATHOL	0	5,507	852,782	191,840
ATTLEBORO	12,656,325	0	2,343,622	429,914
AUBURN	2,572,252	0	733,416	133,908
AVON	266,665	504,148	209,043	27,926
AYER	3,141,196	55,642	401,191	46,946
BARNSTABLE	1,776,228	0	670,573	184,024
BARRE	0	0	326,531	61,214
BECKET	325	10,797	35,440	5,147
BEDFORD	786,805	609,391	317,167	66,977
BELCHERTOWN	3,877,547	0	643,038	115,114
BELLINGHAM	4,143,064	0	967,037	137,700
BELMONT	1,165,694	1,041,278	838,039	148,700
BERKLEY	1,592,279	0	201,238	39,824
BERLIN	241,848	0	111,770	18,496
BERNARDSTON	0	0	108,968	20,585
BEVERLY	3,891,474	3,086,077	1,762,752	316,927
BILLERICA	7,951,783	2,956,313	1,730,437	324,756
BLACKSTONE	14,911	0	560,201	101,940
BLANDFORD	0	0	53,242	9,493
BOLTON	81,350	0	72,919	16,971
BOSTON	75,606,524	206,638,214	27,232,544	5,558,937
BOURNE	1,557,642	443,645	454,076	88,733
BOXBOROUGH	90,616	0	94,128	18,160
BOXFORD	193,277	45,818	166,417	32,129
BOYLSTON	172,286	0	158,680	25,544
BRAINTREE	1,994,921	4,250,822	1,501,952	231,729
BREWSTER	153,942	0	112,688	35,234
BRIDGEWATER	0	0	1,233,762	252,063
BRIMFIELD	570,393	0	145,273	27,922
BROCKTON	47,587,735	5,424,063	7,596,741	1,309,015
BROOKFIELD	934,567	0	201,908	41,260
BROOKLINE	1,871,963	4,401,448	1,818,725	353,867
BUCKLAND	0	0	118,534	21,794
BURLINGTON	1,726,483	1,744,603	620,663	145,101
CAMBRIDGE	2,819,944	22,595,349	3,756,704	623,452
CANTON	1,065,424	1,104,851	602,533	110,497
CARLISLE	201,566	18,534	78,845	21,866
CARVER	4,645,398	0	496,322	132,819
CHARLEMONT	0	0	64,715	13,411
CHARLTON	0	0	470,791	103,354
CHATHAM	109,630	0	71,455	13,301

MUNICIPALITY	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution	Lottery Distribution Increase
CHELMSFORD	2,956,334	3,190,395	1,290,155	266,819
CHELSEA	17,081,530	4,274,507	2,311,923	435,951
CHESHIRE	0	0	233,160	39,401
CHESTER	0	0	68,608	13,448
CHESTERFIELD	17,753	0	53,043	9,758
CHICOPEE	20,470,560	1,504,526	4,333,839	766,675
CHILMARK	0	0	1,398	332
CLARKSBURG	684,758	16,502	176,529	28,845
CLINTON	4,952,153	220,865	967,530	168,330
COHASSET	554,509	209,013	199,483	32,568
COLRAIN	0	0	88,511	19,862
CONCORD	595,223	483,163	419,285	85,055
CONWAY	190,421	0	70,135	14,022
CUMMINGTON	6,388	0	30,551	5,858
DALTON	275,750	0	422,333	83,754
DANVERS	1,267,007	1,408,080	908,100	163,159
DARTMOUTH	4,418,023	0	1,117,033	198,697
DEDHAM	1,510,271	1,950,847	1,023,635	176,479
DEERFIELD	348,126	0	201,469	40,220
DENNIS	0	0	202,603	43,119
DIGHTON	0	0	309,770	52,601
DOUGLAS	2,088,750	0	231,791	55,666
DOVER	71,120	0	90,366	16,881
DRACUT	6,321,540	0	1,324,116	274,940
DUDLEY	0	0	639,807	113,700
DUNSTABLE	0	37,846	69,190	15,173
DUXBURY	1,152,341	0	374,890	86,041
EAST BRIDGEWATER	4,173,182	0	625,928	109,116
EAST BROOKFIELD	9,926	0	136,756	21,752
EAST LONGMEADOW	2,008,380	0	596,239	100,212
EASTHAM	59,030	0	50,111	12,935
EASTHAMPTON	5,515,491	137,004	1,260,162	209,868
EASTON	3,736,359	0	865,313	193,446
EDGARTOWN	91,398	35,873	14,520	4,285
EGREMONT	0	0	33,339	5,022
ERVING	180,159	16,548	20,744	6,055
ESSEX	197,527	42,569	100,329	18,599
EVERETT	5,306,919	5,139,628	1,395,370	317,728
FAIRHAVEN	3,958,295	492,569	942,856	149,457
FALL RIVER	51,211,794	2,882,862	11,396,680	1,625,462
FALMOUTH	1,828,919	0	518,991	107,868
FITCHBURG	18,371,132	270,312	3,604,785	641,356
FLORIDA	142,626	0	15,765	5,275
FOXBOROUGH	2,934,020	0	730,425	120,644
FRAMINGHAM	3,231,442	5,911,189	2,523,084	590,536
FRANKLIN	5,490,960	0	1,050,220	187,415
FREETOWN	592,763	0	394,376	80,881
GARDNER	8,364,054	151,944	1,601,618	287,704
GAY HEAD	0	0	1,219	100
GEORGETOWN	1,452,522	66,691	293,993	57,382
GILL	0	0	81,767	19,436
GLOUCESTER	2,339,004	2,419,911	1,132,176	190,372
GOSHEN	600	0	27,182	5,675
GOSNOLD	175	2,469	167	57
GRAFTON	2,690,095	0	629,153	134,338

MUNICIPALITY	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution	Lottery Distribution Increase
GRANBY	1,720,726	0	389,440	61,884
GRANVILLE	180,393	0	54,133	11,913
GREAT BARRINGTON	0	0	375,084	62,918
GREENFIELD	6,545,610	0	1,421,799	221,953
GROTON	0	0	277,779	60,520
GROVELAND	0	0	307,693	53,359
HADLEY	224,627	174,084	136,031	25,782
HALIFAX	1,265,035	0	394,222	71,901
HAMILTON	0	53,967	278,476	49,377
HAMPDEN	0	0	289,703	41,447
HANCOCK	27,890	22,195	22,134	2,709
HANOVER	1,437,356	1,669,092	482,846	81,143
HANSON	0	0	591,758	89,312
HARDWICK	0	4,062	190,760	24,782
HARVARD	620,093	69,324	923,750	155,418
HARWICH	342,869	0	157,933	34,715
HATFIELD	350,669	0	154,126	26,918
HAVERHILL	17,258,206	3,149,881	3,159,061	583,194
HAWLEY	0	16,264	11,661	2,502
HEATH	0	0	17,216	5,473
HINGHAM	1,493,815	420,485	660,086	110,313
HINSDALE	33,172	0	82,716	18,649
HOLBROOK	3,290,639	5,987	706,575	118,573
HOLDEN	0	0	694,425	141,382
HOLLAND	247,785	0	65,270	15,426
HOLLISTON	2,525,766	518,826	547,573	105,742
HOLYOKE	37,770,980	763,384	4,402,011	669,423
HOPEDALE	1,398,592	0	217,621	66,676
HOPKINTON	1,033,446	151,365	244,057	54,823
HUBBARDSTON	0	0	94,401	27,892
HUDSON	4,096,000	0	953,031	170,238
HULL	1,967,254	1,747,307	469,472	94,429
HUNTINGTON	0	0	127,399	24,380
IPSWICH	776,564	975,780	467,093	87,191
KINGSTON	902,023	0	364,692	75,692
LAKEVILLE	776,142	0	322,638	53,418
LANCASTER	1,327,490	0	402,564	69,434
LANESBOROUGH	358,336	0	210,341	21,429
LAWRENCE	53,927,377	239,970	6,275,273	1,278,680
LEE	1,073,470	0	362,298	47,290
LEICESTER	3,892,134	0	786,050	126,949
LENOX	806,717	90,787	346,987	28,958
LEOMINSTER	13,607,937	14,714	2,221,232	426,708
LEVERETT	79,878	0	68,159	15,594
LEXINGTON	2,092,656	0	724,197	148,579
LEYDEN	0	0	23,249	6,081
LINCOLN	156,630	367,459	208,631	41,505
LITTLETON	480,579	207,535	242,172	45,780
LONGMEADOW	1,927,188	0	647,080	105,232
LOWELL	48,551,148	7,978,998	7,189,329	1,519,230
LUDLOW	4,887,716	0	1,307,554	197,932
LUNENBURG	2,089,603	0	469,263	81,127
LYNN	40,895,286	11,926,220	5,597,804	1,115,765
LYNNFIELD	781,028	455,892	336,948	71,504
MALDEN	11,407,239	7,030,168	3,737,694	689,827



MUNICIPALITY	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution	Lottery Distribution Increase
MANCHESTER	287,426	0	121,218	20,485
MANSFIELD	2,252,652	912,368	533,141	123,600
MARBLEHEAD	965,641	49,583	490,931	113,171
MARION	71,755	0	86,020	16,921
MARLBOROUGH	1,832,860	3,433,241	1,421,943	234,613
MARSHFIELD	5,278,698	255,142	949,218	157,282
MASHPEE	223,857	0	49,317	24,096
MATTAPOISETT	169,268	0	203,982	28,187
MAYNARD	1,167,819	738,519	482,266	103,069
MEDFIELD	1,041,774	937,000	397,730	78,002
MEDFORD	7,956,033	8,094,393	3,446,751	590,902
MEDWAY	2,175,719	235,317	396,270	84,004
MELROSE	3,570,268	3,402,865	1,510,515	251,194
MENDON	0	0	139,418	33,400
MERRIMAC	0	0	321,055	64,626
METHUEN	10,863,508	205,147	2,133,842	402,870
MIDDLEBOROUGH	8,478,609	0	1,062,108	184,080
MIDDLEFIELD	0	0	20,118	2,867
MIDDLETON	192,924	159,272	151,923	27,383
MILFORD	7,650,263	0	1,436,859	250,363
MILLBURY	2,874,679	0	808,218	133,334
MILLIS	1,031,333	403,862	324,292	67,327
MILLVILLE	714	0	143,702	25,575
MILTON	1,168,795	1,566,851	1,063,296	193,523
MONROE	11,548	17,526	4,768	597
MONSON	2,898,284	0	602,396	89,654
MONTAGUE	0	0	554,082	90,365
MONTEREY	0	15,777	21,623	2,010
MONTGOMERY	0	0	36,113	6,895
MOUNT WASHINGTON	2,791	41,886	1,029	330
NAHANT	138,749	157,791	138,362	23,758
NANTUCKET	161,160	0	29,350	6,155
NATICK	1,799,189	2,444,348	1,054,820	214,102
NEEDHAM	1,516,623	259,216	727,552	135,687
NEW ASHFORD	6,895	9,203	2,693	957
NEW BEDFORD	61,155,816	901,313	11,304,438	1,754,610
NEW BRAINTREE	0	0	40,978	8,864
NEW MARLBOROUGH	0	0	26,263	4,096
NEW SALEM	0	0	45,190	5,600
NEWBURY	0	0	179,058	41,094
NEWBURYPORT	1,752,015	1,736,621	737,331	121,067
NEWTON	3,830,416	1,732,789	2,371,645	428,012
NORFOLK	743,924	0	325,518	91,596
NORTH ADAMS	8,884,648	233,872	2,177,540	343,817
NORTH ANDOVER	1,582,876	151,695	729,919	170,442
NORTH	6,621,552	0	1,228,072	233,410
ATTLEBOROUGH				
NORTH BROOKFIELD	2,275,075	0	354,730	65,883
NORTH READING	911,478	1,189,787	481,121	84,507
NORTHAMPTON	5,554,760	727,239	1,949,265	301,321
NORTHBOROUGH	1,318,227	76,900	439,543	92,229
NORTHBRIDGE	5,281,054	3,865	1,039,924	191,586
NORTHFIELD	0	0	101,285	27,563
NORTON	4,543,527	0	931,185	158,291
NORWELL	889,679	680,878	316,660	53,646

MUNICIPALITY	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution	Lottery Distribution Increase
NORWOOD	1,589,952	3,354,660	1,191,109	198,534
OAK BLUFFS	52,585	0	25,003	6,392
OAKHAM	0	0	55,875	14,973
ORANGE	2,970,040	2,661	742,661	108,545
ORLEANS	48,290	0	74,084	14,161
OTIS	0	0	12,655	2,405
OXFORD	4,897,879	0	957,406	145,346
PALMER	5,005,032	0	876,260	140,626
PAXTON	0	0	189,272	37,747
PEABODY	7,272,869	3,951,625	2,238,929	430,933
PELHAM	19,785	0	59,315	11,794
PEMBROKE	2,386,621	0	729,962	125,556
PEPPERELL	0	0	495,045	103,291
PERU	36,860	0	41,797	8,268
PETERSHAM	21,211	0	44,760	8,728
PHILLIPSTON	0	5,519	44,364	13,419
PITTSFIELD	18,487,712	1,107,722	3,765,842	542,636
PLAINFIELD	0	0	15,847	3,352
PLAINVILLE	724,420	0	295,602	55,425
PLYMOUTH	9,031,563	0	1,195,631	332,113
PLYMPTON	253,076	0	92,569	16,100
PRINCETON	0	0	120,687	22,367
PROVINCETOWN	121,780	27,912	66,417	12,258
QUINCY	8,271,606	14,555,556	4,570,533	814,438
RANDOLPH	5,282,969	2,297,597	1,507,589	306,388
RAYNHAM	0	0	537,312	77,750
READING	1,966,810	1,931,472	943,649	195,790
REHOBOTH	0	0	406,259	74,123
REVERE	9,381,043	6,712,698	2,476,178	461,786
RICHMOND	86,604	0	54,533	10,220
ROCHESTER	680,608	0	179,343	28,257
ROCKLAND	6,258,500	496,221	1,122,815	166,076
ROCKPORT	347,257	0	167,283	42,628
ROWE	15,165	0	960	466
ROWLEY	0	143,746	173,084	34,329
ROYALSTON	0	0	55,922	9,764
RUSSELL	0	0	90,160	20,621
RUTLAND	0	0	348,941	55,286
SALEM	4,367,298	4,151,021	1,635,310	343,400
SALISBURY	0	0	278,537	44,448
SANDISFIELD	0	0	15,126	2,058
SANDWICH	1,792,718	111,247	183,844	86,238
SAUGUS	1,838,174	2,245,040	946,943	198,592
SAVOY	219,838	17,367	47,344	6,812
SCITUATE	1,416,022	1,101,119	695,739	104,449
SEEKONK	1,922,817	0	580,475	91,465
SHARON	2,313,238	78,642	581,683	121,575
SHEFFIELD	0	15,023	98,729	16,985
SHELBURNE	0	0	130,057	19,883
SHERBORN	111,898	26,364	101,080	16,379
SHIRLEY	1,694,415	233,500	395,123	83,602
SHREWSBURY	3,034,049	376,077	1,024,322	202,831
SHUTESBURY	61,859	0	48,203	13,298
SOMERSET	1,897,540	0	594,944	121,618
SOMERVILLE	13,452,028	20,410,649	5,718,638	1,034,784

MUNICIPALITY	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution	Lottery Distribution Increase
SOUTH HADLEY	3,726,885	25,437	1,139,762	203,674
SOUTHAMPTON	751,164	0	253,115	41,115
SOUTHBOROUGH	319,822	0	187,413	35,537
SOUTHBRIDGE	8,890,572	0	1,500,986	266,616
SOUTHWICK	0	0	523,634	83,887
SPENCER	83,795	0	940,801	162,136
SPRINGFIELD	114,897,815	2,302,181	13,482,158	2,529,607
STERLING	0	0	277,482	57,182
STOCKBRIDGE	0	0	52,537	8,784
STONEHAM	1,105,534	2,553,177	933,153	192,193
STOUGHTON	5,939,092	129,781	1,494,962	251,629
STOW	310,796	8,776	168,354	38,052
STURBRIDGE	608,723	0	264,277	63,645
SUDBURY	699,605	807,321	418,367	78,379
SUNDERLAND	440,341	0	192,803	35,238
SUTTON	1,665,909	0	336,754	51,351
SWAMPSCOTT	813,129	443,359	425,605	85,690
SWANSEA	3,392,815	0	945,344	136,842
TAUNTON	19,533,640	0	4,298,774	654,352
TEMPLETON	0	0	539,250	89,624
TEWKSBURY	5,897,900	0	1,278,271	241,556
TISBURY	61,535	0	46,469	7,895
TOLLAND	0	12,413	2,218	463
TOPSFIELD	133,813	318,725	181,570	38,832
TOWNSEND	0	0	442,814	90,978
TRURO	25,950	0	13,112	2,041
TYNGSBOROUGH	2,034,826	0	291,568	78,605
TYRINGHAM	3,350	0	6,914	925
UPTON	0	0	233,094	36,870
UXBRIDGE	2,703,037	0	589,764	122,173
WAKEFIELD	2,317,668	1,809,635	1,072,165	195,344
WALES	393,847	0	93,706	16,441
WALPOLE	2,190,013	1,112,115	818,861	144,476
WALTHAM	3,369,126	6,869,270	2,485,099	433,520
WARE	3,812,233	19,199	743,067	124,100
WAREHAM	5,427,234	0	969,617	138,876
WARREN	0	0	305,218	57,280
WARWICK	0	36,354	29,976	6,759
WASHINGTON	25	29,889	30,735	5,408
WATERTOWN	1,057,587	5,571,114	1,378,103	274,199
WAYLAND	946,549	352,813	327,396	59,670
WEBSTER	4,610,493	78,026	1,003,299	187,366
WELLESLEY	1,160,444	121,858	642,823	116,249
WELLFLEET	33,415	0	25,975	5,018
WENDELL	0	32,131	47,628	10,237
WENHAM	0	175,913	125,360	32,485
WEST BOYLSTON	762,390	85,259	297,479	41,517
WEST BRIDGEWATER	1,221,072	59,411	323,069	38,738
WEST BROOKFIELD	0	0	188,861	36,164
WEST NEWBURY	0	0	122,884	25,886
WEST SPRINGFIELD	6,743,107	0	1,473,874	235,089
WEST STOCKBRIDGE	0	0	51,476	7,660
WEST TISBURY	0	229,569	9,010	2,849
WESTBOROUGH	987,887	182,536	436,754	74,272
WESTFIELD	14,883,091	0	2,655,987	489,824

<b>MUNICIPALITY</b>	<b>7061-0008 Chapter 70</b>	<b>0611-5500 Additional Assistance</b>	<b>Lottery Distribution</b>	<b>Lottery Distribution Increase</b>
WESTFORD	1,758,214	1,126,887	550,929	113,202
WESTHAMPTON	92,602	0	54,809	10,717
WESTMINSTER	0	0	227,867	50,223
WESTON	366,383	0	199,773	30,740
WESTPORT	2,050,839	0	667,687	86,837
WESTWOOD	837,477	45,632	327,259	62,036
WEYMOUTH	12,535,502	3,050,391	3,393,288	596,911
WHATELY	33,658	0	59,547	9,034
WHITMAN	0	0	988,918	153,836
WILBRAHAM	0	0	559,956	103,736
WILLIAMSBURG	238,145	0	142,815	25,836
WILLIAMSTOWN	659,085	0	490,308	71,498
WILMINGTON	1,453,779	1,578,564	578,543	112,779
WINCHENDON	4,766,652	31,919	638,906	119,982
WINCHESTER	1,441,885	433,387	607,257	107,828
WINDSOR	396	35,260	22,160	5,350
WINTHROP	2,658,236	2,878,558	1,211,633	201,022
WOBURN	1,981,649	4,513,710	1,431,980	248,973
WORCESTER	66,316,325	14,860,192	12,815,549	2,280,508
WORTHINGTON	0	0	43,738	8,251
WRENTHAM	1,510,983	0	420,760	86,847
YARMOUTH	0	0	430,102	103,617
<b>Total Municipal Aid</b>	<b>1,290,800,900</b>	<b>476,315,282</b>	<b>329,000,000</b>	<b>60,000,000</b>

<b>REGIONAL SCHOOL DISTRICT</b>	<b>7061-0008 Chapter 70</b>
ACTON BOXBOROUGH	1,844,117
ADAMS CHESHIRE	6,587,407
AMHERST PELHAM	4,979,817
ASHBURNHAM WESTMINSTER	5,333,623
ASHFIELD PLAINFIELD	0
ASSABET VALLEY	2,533,888
ATHOL ROYALSTON	9,515,790
BERKSHIRE HILLS	2,201,840
BERLIN BOYLSTON	618,951
BLACKSTONE MILLVILLE	5,721,068
BLACKSTONE VALLEY	3,496,355
BLUE HILLS	2,954,385
BRIDGEWATER RAYNHAM	12,984,288
BRISTOL COUNTY AGRI. TECH	1,201,600
BRISTOL PLYMOUTH	3,580,538
BUCKLAND SHELBURNE	0
CAPE COD	1,557,431
CENTRAL BERKSHIRE	4,524,084
CHESTERFIELD GOSHEN	338,058
CONCORD CARLISLE	1,040,733
DENNIS YARMOUTH	3,911,238

<b>REGIONAL SCHOOL DISTRICT</b>	<b>7061-0008</b>
	<b>Chapter 70</b>
DIGHTON REHOBOTH	6,741,179
DOVER SHERBORN	716,469
DUDLEY CHARLTON	9,288,503
ESSEX COUNTY AGRI. TECH.	2,775,404
FARMINGTON RIVER	209,663
FRANKLIN COUNTY TECH	1,724,250
FREETOWN LAKEVILLE	3,870,624
FRONTIER	802,788
GATEWAY	4,440,009
GILL MONTAGUE	4,450,394
GREATER FALL RIVER	6,361,863
GREATER LAWRENCE	8,236,830
GREATER LOWELL	11,735,936
GREATER NEW BEDFORD	10,512,314
GROTON DUNSTABLE	2,765,087
HAMILTON WENHAM	2,033,841
HAMPDEN WILBRAHAM	6,156,850
HAMPSHIRE	1,319,910
HAWLEMONT	459,381
KING PHILIP	2,995,648
LAWRENCE VOCATIONAL	0
LINCOLN SUDBURY	1,300,427
MARTHA'S VINEYARD	497,740
MASCONOMET	1,563,872
MENDON UPTON	2,693,453
MINUTEMAN	2,104,073
MOHAWK TRAIL	4,502,685
MONTACHUSETT	4,885,727
MOUNT GREYLOCK	1,538,147
NARRAGANSETT	4,786,193
NASHOBA	899,378
NASHOBA VALLEY	1,724,165
NAUSET	1,259,651
NEW SALEM WENDELL	483,481
NORFOLK COUNTY AGRI. TECH	598,142
NORTH MIDDLESEX	11,838,496
NORTH SHORE	1,018,016
NORTHAMPTON SMITH	737,967
NORTHBOROUGH SOUTHBOROUGH	1,067,569
NORTHEAST METROPOLITAN	3,583,288
NORTHERN BERKSHIRE	1,945,326
OLD COLONY	1,898,903
OLD ROCHESTER	1,159,233
PATHFINDER	1,713,932
PENTUCKET	6,388,800
PIONEER VALLEY	2,118,130
QUABBIN	7,711,437
QUABOAG	4,970,941
RALPH C. MAHAR	2,615,655
SHAWSHEEN VALLEY	2,980,874
SILVER LAKE	6,134,900
SOUTH MIDDLESEX	2,128,415
SOUTH SHORE	1,443,150
SOUTHEASTERN	6,439,731
SOUTHERN BERKSHIRE	938,675
SOUTHERN WORCESTER COUNTY	4,027,956

<b>REGIONAL SCHOOL DISTRICT</b>	<b>7061-0008</b>
	<b>Chapter 70</b>
SOUTHWICK TOLLAND	4,824,672
SPENCER EAST BROOKFIELD	9,142,502
TANTASQUA	3,144,746
TRI COUNTY	2,122,112
TRITON	4,509,119
UP-ISLAND	250,246
UPPER CAPE COD	1,290,024
WACHUSETT	12,971,144
WHITMAN HANSON	13,453,411
WHITTIER	4,161,061
WORCESTER TRADE	6,331,085

**Total Regional Aid 326,420,804**

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

FILE COPY

\*\*\*\*\*

DATE: 1/24/94

TO: Planning, Conservation, Assessors and 61A Committee

FROM: Town Manager's Office

SUBJECT: 31 Carlisle Road

The Board of Selectmen's Office has been notified under G.L. c. 61 section 8 that MSM Trust has a bona fide offer to purchase the subject parcels.

Please review this offer and attachments and forward comments and recommendations with respect to: (e.g. What is the assessed value? What are the recapture taxes/penalties? Have they been paid? What is the zoning? What are the development potentials or plan? What is the value of the property to the town? What is the recommended action for the Selectmen to consider? etc.)

\*\*\*\*\*

As a reminder to Assessors' and 61A, we have not received your comments on the previous request regarding lots 8, 9 and 10 dated December 21, 1993.

cc: Board of Selectmen

*Andrew C. Bailey*

*9th Floor*

*100 Franklin Street*

*Boston, Massachusetts 02110-1386*

*617-728-9618*

*Facsimile 617-728-9633*

January 18, 1994

Board of Selectmen  
Town of Acton  
472 Main Street  
Acton, Massachusetts 01720

Re: Land located on 31 Carlisle Road  
Acton, Massachusetts

Dear Madam or Sir:

Enclosed herewith is a copy of an executed Purchase and Sale Agreement between the Trustees of The 1989 Mary S. Marshall Revocable Trust ("MSM Trust") and R.P. Realty Trust dated January 11, 1994 ("Agreement") for the sale of certain land on Carlisle Road, opposite North Street and described as "Parcel 21.3± Acres" on a Sketch Plan attached to the Agreement. It is a portion of the land described in Certificate of Title No. 184849. This land is classified as forest lands pursuant to G.L. c. 61.

Pursuant to M.G.L. c. 61, §8, notice of intent to sell the above-described land and to convert it to another use is hereby given to you. The obligations of the buyer under the Agreement to purchase the land constitute a "bona fide offer to purchase said land" as provided by General Laws, c. 61, §8.

The address of the undersigned record owners of the Premises for the purpose of this notice of intent is:

MSM Trust  
c/o Andrew C. Bailey  
100 Franklin Street - 9th Floor  
Boston, MA 02110

Very truly yours,

MSM TRUST

By:   
Andrew C. Bailey, Trustee

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
P 866 027 799

7/124  
CHRIS - PLS. DISTRIBUTE  
FOR COMMENT AS W/  
PREVIOUS NOTICES.  
SCHED. FOR REVIEW  
AND VOTE OF BOS.  
REMIND STAFF OF  
REPORTS DUE ON EARLIER  
NOTICE.

cc: BOS



# STANDARD FORM PURCHASE AND SALE AGREEMENT

This 11th day of January 19 94

## PARTIES AND MAILING ADDRESSES

(fill in)

Andrew C. Bailey et al, Trustee of MSM Trust u/d/t dated February 23, 1989, recorded with the Middlesex South Registry of the Land Court as Document No. 794041, hereinafter called the SELLER, agrees to SELL and

Ronald B. Peabody, Trustee of R.P. Realty Trust u/d/t dated August 8, 1989, recorded with Middlesex South District Registry of Deeds in Book 20018, Page 274, hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises: Land at 31 Carlisle Road, Acton, Massachusetts, containing 20 ± acres and shown on the attached Sketch Location Plan being a portion of the land described in Certificate of Title No. 184849 attached hereto.

## 2. DESCRIPTION (fill in and include title reference)

## 3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

(fill in or delete)

~~Included in the sale as a part of said premises are the buildings, structures, and improvements now hereon, and the fixtures belonging to the SELLER and used in connection therewith including, if any, all wall-to-wall carpeting, drapery rods, automatic garage door openers, venetian blinds, window shades, screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating equipment, stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, garbage disposers, electric and other lighting fixtures, mantels, outside television antennas, fences, gates, trees, shrubs, plants, and ONLY IF BUILT IN, refrigerators, air conditioning equipment, ventilators, dishwashers, washing machines and dryers; and~~

but excluding

## 4. TITLE DEED (fill in)

\* Include here by specific reference any restrictions, easements, rights and obligations in party walls not included in (b), (c), (d), (e), (f), or (g), other encumbrances, and make provision to protect SELLER against BUYER's breach of SELLER's covenants in leases, where necessary.

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- (a) Provisions of existing building and zoning laws;
- (b) Existing rights and obligations in party walls which are not the subject of written agreement;
- (c) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
- (d) Any liens for municipal betterments assessed after the date of this agreement;
- (e) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises;
- (f) As described in Certificate of Title No. 184849.

## 5. PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.

## 6. REGISTERED TITLE

In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

## 7. PURCHASE PRICE (fill in); space is allowed to write out the amounts if desired

The agreed purchase price for said premises is Six Hundred Thousand (\$600,000) dollars, of which

\$ 30,000

have been paid as a deposit this day and

\$

\$ 570,000

are to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s).

\$

\$ 600,000

TOTAL

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GREATER BOSTON REAL ESTATE BOARD



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8. **TIME FOR PERFORMANCE: DELIVERY OF DEED (fill in)** Such deed is to be delivered at 10:00 o'clock A. M. on the 20th day of May 1994 at the South Middlesex Registry of Deeds, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement. ~~Buyer or Seller may elect to record the deed on the following date: xx provided for below: xx~~
9. **POSSESSION AND CONDITION OF PREMISE (attach a list of exceptions, if any)** Full possession of said premises free of all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, and (b) not in violation of said building and zoning laws, and (c) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled personally to inspect said premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.
10. **EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM (Change period of time if desired).** If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, ~~then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease; and this agreement shall be void without recourse to the parties hereto unless the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days, provided that Seller shall have no duty to incur costs and expenses exceeding \$1,000.~~ If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then ~~any payment made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.~~
11. **FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.** ~~deposited~~ The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said premises shall have been damaged by fire or casualty insured against, then the SELLER shall, unless the SELLER has previously restored the premises to their former condition, either  
 (a) pay over or assign to the BUYER, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the SELLER for any partial restoration, or  
 (b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or a part thereof to be used to restore the said premises to their former condition or to be so paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the SELLER for any partial restoration.
12. **BUYER'S ELECTION TO ACCEPT TITLE**
13. **ACCEPTANCE OF DEED** The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.
14. **USE OF MONEY TO CLEAR TITLE** To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.
15. **INSURANCE (Insert amount (list additional types of insurance and amounts as agreed))** ~~Upon the delivery of the deed, the SELLER shall maintain insurance on said premises as follows:~~  
~~Type of Insurance: xx~~  
~~(a) Fire and Extended Coverage: xx~~  
~~(b) xx~~
16. **ADJUSTMENTS (list operating expenses, if any, or attach schedule)** ~~Collected rents, mortgage interest, water and sewer use charges, operating expenses (if any) according to the schedule attached hereto, and taxes for the then current fiscal year, shall be apportioned and adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. Uncollected rents and taxes shall be apportioned and when collected by either party.~~

7. **ADJUSTMENT OF UNASSESSED AND BATED TAXES**  
If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.
8. **BROKER'S FEE**  
(fill in fee with dollar amount or percentage; also name of Brokerage firm(s))  
A Broker's fee for professional services of is due from the SELLER to E. A. Hill & Company, Ltd. \$30,000  
~~The Broker(s) herein, but if the SELLER pursuant to the terms of clause 21 hereof retains the deposits made hereunder by the BUYER, said Broker(s) shall be entitled to receive from the SELLER an amount equal to one-half the amount so retained and an amount equal to the Broker's fee for professional services according to this contract whichever is the lesser, said Broker shall not be entitled to any Broker's fee.~~  
The Broker(s) named herein E.A. Hill & Company, Ltd.  
warrant(s) that the Broker(s) is/are duly licensed as such by the Commonwealth of Massachusetts.
9. **BROKER(S) WARRANTY**  
(fill in name)
10. **DEPOSIT**  
(fill in name)  
All deposits made hereunder shall be held in escrow by Powers & Hall P.C. as escrow agent subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, the escrow agent may retain all deposits made under this agreement pending instructions mutually given by the SELLER and the BUYER. Interest shall be paid to Buyer at Closing.
11. **BUYER'S DEFAULT: DAMAGES**  
If the BUYER shall fail to fulfill the BUYER's agreements herein, all deposits <sup>and interest</sup> made hereunder by the BUYER shall be retained by the SELLER as liquidated damages unless within any days after the time for performance of this agreement or any extension hereof the SELLER otherwise notifies the BUYER in writing which shall be the sole and exclusive remedy at law or equity of the Seller against the Buyer.
12. **RELEASE BY HUSBAND OR FE**  
The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.
13. **BROKER AS PARTY**  
The Broker(s) named herein join(s) in this agreement and become(s) a party hereto, insofar as any provisions of this agreement expressly apply to the Broker(s) and to any amendments or modifications of such provisions to which the Broker(s) agree(s) in writing.
14. **LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc.**  
If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.
15. **WARRANTIES AND REPRESENTATIONS**  
(fill in); if none, state "none"; if any listed, indicate by whom each warranty or representation was made  
The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by other the SELLER or the Broker(s):
16. **MORTGAGE CONTINGENCY CLAUSE**  
(omit if not provided for in Offer to Purchase)  
~~In order to help finance the acquisition of said premises, the BUYER shall apply for a conventional bank or other institutional mortgage loan of \$ \_\_\_\_\_ at prevailing rates, terms and conditions. If despite the BUYER's diligent efforts a commitment for such loan cannot be obtained on or before \_\_\_\_\_, 19\_\_\_\_ the BUYER may terminate this agreement by written notice to the SELLER and/or the Broker(s), as agent(s) for the SELLER, prior to the expiration of such time, whereupon any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto. In no event will the BUYER be deemed to have used diligent efforts to obtain such commitment unless the BUYER submits a complete mortgage loan application conforming to the foregoing provisions on or before \_\_\_\_\_.~~  
10

27. CONSTRUCTION  
OF AGREEMENT

This instrument, executed in multiple counterparts, shall take effect as a sealed instrument, set forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. LEAD PAINT  
LAW

~~The parties acknowledge that, under Massachusetts law, whenever a child or children under six years of age resides in any residential premises in which any paint, plaster or other accessible material contains dangerous levels of lead, the owner of said premises must remove or cover said paint, plaster or other material so as to make it inaccessible to children under six years of age.~~

29. SMOKE  
DETECTORS

~~The SELLER shall, at the time of the delivery of the deed, deliver a certificate from the fire department of the city or town in which said premises are located stating that said premises have been equipped with approved smoke detectors in conformity with applicable law.~~

30. ADDITIONAL  
PROVISIONS

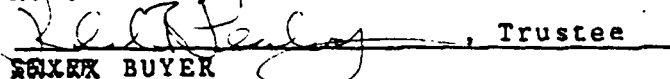
~~Schedule A  
The attached Schedule A, attached hereto, is incorporated herein by reference.~~

FOR RESIDENTIAL PROPERTY CONSTRUCTED PRIOR TO 1978, BUYER MUST ALSO HAVE SIGNED  
LEAD PAINT "PROPERTY TRANSFER NOTIFICATION CERTIFICATION"

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

Ronald B. Peabody, Trustee of  
R.P. Realty Trust

  
SELLER (or spouse) Trustee of MSM Trust

  
BUYER

BUYER

BUYER

Broker(s)

EXTENSION OF TIME FOR PERFORMANCE

Date \_\_\_\_\_

The time for the performance of the foregoing agreement is extended until \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ time still being of the essence of this agreement as extended.

In all other respects, this agreement is hereby ratified and confirmed.

This extension, executed in multiple counterparts, is intended to take effect as a sealed instrument.

SELLER (or spouse)

SELLER

BUYER

BUYER

Broker(s)

CARLISE TOWN LINE  
ACTION

PARCEL ... 21.3<sup>±</sup> Acres

N/F DAVIS

Sketch Plan of Marshall  
Estate Parcel in Acton Mass.  
Carlisle Road  
Scale 1" = 160' ± Dec 22, 1993

Prepared by  
Stanski and Mahary Inc.  
80 Harris St, Acton Me.

From Transfer Certificate No. 127462 in Registration Book 637, Page 112  
Originally Registered May 12, 1940 for the South Registry District of  
Middlesex County

This is to Certify that

Nery S. Marshall, of Carlisle in the County of Middlesex  
and Commonwealth of Massachusetts and Andrew C. Bailey, of Dedham in the  
County of Norfolk, and said Commonwealth, Trustees of NEM Trust under a  
Declaration of Trust dated February 23, 1939 and registered February 24, 1939,  
being Document No. 794041, filed in the Land Registration Office for the South  
Registry District of Middlesex County.

are the owners in fee simple,

of that certain parcel of land

situate in Acton

in the County of Middlesex and said Commonwealth, described as follows:

Southeasterly by the County Road, two hundred ninety-one and  
12/100 feet;  
Southeasterly by land now or formerly of James J. Allard,  
four hundred sixty-four and 29/100 feet;  
Northeasterly by land now or formerly of the Old Colony R. R. Co.,  
six hundred one and 27/100 feet;  
Northerly by land now or formerly of Parker Railroad and by a line  
crossing said County Road, two hundred eighty-six and 30/100 feet;  
Westerly by said County Road, two hundred fifty-eight and 84/100 feet;  
Northeasterly, two hundred eighty-seven and 67/100 feet, and  
Northerly, four hundred thirteen and 12/100 feet, by said  
Old Colony R. R. Co. land;  
Northeasterly by land now or formerly of Mary A. Rutach,  
also numbered fifty and 62/100 feet;  
Easterly by a line crossing a Town Road and by land now or formerly  
of Herbert W. Scott, known as, about twenty hundred and  
thirty-six feet;  
Southeasterly, about four hundred ninety-nine and 34/100 feet,  
Southerly, three hundred thirty-two and 85/100 feet, and  
Southwesterly, forty-one and 14/100 feet, all by land now or  
formerly of Charles E. Davis,  
Southwesterly by said Davis land and by land now or formerly of  
Richard Burton et al, and of said Charles E. Davis, two hundred  
eighty-four and 21/100 feet;  
Southwesterly by land now or formerly of Wendell E. Davis,  
about four hundred and twenty-five feet;  
Southwesterly by said Davis land and by land now or formerly of  
Edward A. Caputo, known as, about twenty-four and 84/100 feet;  
Southwesterly by land now or formerly of Blanchard & Son, about  
six hundred and twenty-five feet;  
Westerly by Robbins Hill Road,  
Northeasterly by said Town Road, twenty-three hundred twenty-five  
and 12/100 feet, and  
Southwesterly by a line crossing said Town Road, by land now or  
formerly of the Town of Acton and Clarence W. Frost et al and  
by a line crossing said County Road, eight hundred eighty-seven  
and 84/100 feet.

All of said boundaries, except the Town line, are determined by the Court to  
be located as shown on a plan, as verified and approved by the Court, filed in  
the Land Registration Office, a copy of a portion of which is filed in the  
Registry of Deeds for the South Registry District of Middlesex County in  
Registration Book 262, Page 223, with Certificate 48174.

There is excepted and excluded from the above described land lots 1 and 2 as  
shown on plan filed in Registration Book 997, Page 177.

So much of the above described land as is included within the limits of the County Road and Town Road as shown on said first mentioned plan is subject to the rights of the public in and over the same.

So much of said land as is included within the limits of the Wood Road, approximately shown on said first mentioned plan, is subject the rights of all persons lawfully entitled in and over the same.

The westerly part of said land is subject to the flow of a natural water course as shown on said first mentioned plan.

The above described land is subject to a Taking by the Middlesex County Commissioners for relocation of Carliale Road as an easement for highway purposes, Document 221264 and to Certificate of entry under said Taking Document 229343.

And it is further certified that said land is under the operation and provisions of Chapter 183 of the General Laws and any amendments thereto, and that the title of said

Mary S. Marshall and Andrew C. Kelley;  
Trustees as aforesaid.

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in Section 183-41a of said Chapter, and any amendments thereto, which may be admitted, and subject also as aforesaid.

Witness CARLTON G. SCULLY, Chief Justice of the Land Court, Department of the Trial Court, at Cambridge in said County of Middlesex

the twenty-fourth day of February the year nineteen hundred and eighty-nine at 3 o'clock and 23 minutes in the afternoon.

Attest, with the Seal of said Court,

  
Assistant Recorder

Address of record: c/o Powers & Hall, P.C.  
100 Franklin Street, Boston, MA 02110

and Power from the State

DN 6450

No. 184419

DOCUMENT

373426 KIND: Grant of Easements and Eject  
IN FAVOR OF: Mary S. Marshall et al. to Boston Edison Company  
TERMS: Granting perpetual rights and easements upon, over and across part within described land.  
DATE OF INSTR: Dec. 14, 1961  
DATE OF REG: Jan. 30, 1962 TIME OF REG: 10:30 AM  
SIGNATURE: [Signature] Asst. Recorder

348393 KIND: Payroll Land Tax Lien  
IN FAVOR OF: Town of Acton  
TERMS: See Document  
DATE OF INSTR: Sept. 21, 1976  
DATE OF REG: Sept. 24, 1976 TIME OF REG: 9:30 AM  
SIGNATURE: [Signature] Asst. Recorder

376312 KIND: Payroll Land Tax Lien  
IN FAVOR OF: Town of Acton  
TERMS: See Document  
DATE OF INSTR: Jan. 20, 1978  
DATE OF REG: Oct. 5, 1978 TIME OF REG: 11:40 AM  
SIGNATURE: [Signature] Asst. Recorder

794043 KIND: Declaratory of Trust  
IN FAVOR OF: Mary S. Marshall et al. Trs. of NEN Trust  
TERMS: See Document  
DATE OF INSTR: Feb. 23, 1967  
DATE OF REG: Feb. 24, 1967 TIME OF REG: 2:03 PM  
SIGNATURE: [Signature] Asst. Recorder

833226 KIND: Certificate of Death  
IN FAVOR OF:   
TERMS: Certifying death of Mary S. Marshall on November 11, 1991.  
DATE OF INSTR: - -  
DATE OF REG: Oct. 23, 1991 TIME OF REG: 10:32 AM  
SIGNATURE: [Signature] Asst. Recorder

853127 KIND: Release  
IN FAVOR OF:   
TERMS: Releasing certain tax lien (Mary S. Marshall: Late).  
DATE OF INSTR: Sept. 2, 1991  
DATE OF REG: Oct. 23, 1991 TIME OF REG: 10:33 AM  
SIGNATURE: [Signature] Asst. Recorder

833128 KIND: Quit and Trustee's Etc.  
IN FAVOR OF:   
TERMS: After legally discharge of Acton concerning all of the land shown on Plan 160784, Sheet 1, P.L.M. No. 243, P.223, lying northwesterly of the northwesterly sidewalk (along County Road) of lot 1 as shown on Plan 160784, P.L.M. No. 243, P.223, said notification cancelled as to said land  
See Certificate 191133, Book 1087, Page 103  
DATE OF INSTR: Sept. 24, 1991  
DATE OF REG: Oct. 23, 1991 TIME OF REG: 10:33 AM  
SIGNATURE: [Signature] Asst. Recorder



## SCHEDULE A

1. Buyer's obligations under this Agreement are subject to Seller providing, at the Closing, evidence reasonably satisfactory to Buyer that (i) the Town of Acton has waived or otherwise failed to exercise its option to purchase the Premises in accordance with Massachusetts General Laws C.61 ("Statute"), or, in the alternative, that the Town's 120 day option period has expired, and (ii) Seller has otherwise complied with the provisions of the Statute so far as material to conveying title to Buyer in conformity with this Agreement. Seller shall notify the Town of Acton of the intent to sell the Premises as required by the Statute on or before January 19, 1994.

If the Town of Acton or its assignee shall exercise its option to purchase the Premises pursuant to the Statute, this Purchase and Sale Agreement shall terminate, the deposit and interest thereon shall be returned to the Buyer and neither the Seller nor the Buyer shall have any claims against the other.

~~If Seller receives written notice from the Board of Selectmen of the Town of Acton that said Town will not exercise its option to purchase the Premises pursuant to Massachusetts General Laws C.61, §8, Seller or Buyer may accelerate the date of the Closing by notifying the other party in writing of the action of the Selectmen and designating the date for the Closing which shall be not less than twenty-one (21) days from the date of the notice of acceleration and not before March 1, 1994.~~

2. All notices required or permitted to be given hereunder shall be in writing and delivered by hand or mailed postage prepaid, by registered or certified mail, by overnight delivery, or by facsimile transmission, in the case of

SELLER: Andrew C. Bailey, Esq.  
9th Floor  
100 Franklin Street  
Boston, MA 02110

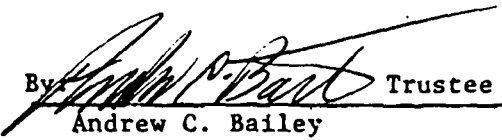
BUYER: Mr. Ronald B. Peabody      with a copy to: Steven R. Graham, Esquire  
118 Strawberry Hill                      Graham & Harsip, P.C.  
Concord, MA 01742                      289 Great Road  
   Acton, MA 01720

or in the case of either party to such other address as shall be designated by written notice given to the other party. Any such notice shall be deemed given when so delivered by hand or if mailed, when deposited with the U.S. Postal Service, postage prepaid.

3. To the best of Seller's knowledge and belief, there is not now, nor has there ever been, in or on the premises, underground storage tanks;
4. Unless the Closing takes place at the appropriate Registry of Deeds, all documents and forms are to be delivered in escrow, subject to a prompt rundown of title and recording or registration. Buyer shall deliver full consideration at the Closing.
5. Seller shall record at or before the Closing a plan showing the Premises in compliance with General Laws c. 41, § 811 ("the Plan"). The boundaries and lot lines of said lots shall be substantially as shown on the attached Sketch Location Plan.

Andrew C. Bailey, Trustee of  
MSM TRUST

Ronald B. Peabody, Trustee of  
R.P. REALTY TRUST

By:  Trustee  
Andrew C. Bailey

By: \_\_\_\_\_ Trustee  
Ronald B. Peabody



# Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

*Serving 101 cities and towns in metropolitan Boston*

January 20, 1994

JAN 27 1994

## ACTION ALERT

TO: Chief Elected Officials, Planners  
FR: David C. Soule, Executive Director  
RE: Regional Meeting Dates  
Massachusetts Planning and Development Act ("Growing Smart")

1000 Friends of Massachusetts, a grassroots coalition dedicated to promoting land-use planning reform in the commonwealth, has filed legislation that represents the most sweeping set of changes to affect regional planning agencies in recent years. Entitled "The Massachusetts Planning and Development Act (Growing Smart)", it is designed to "leave most decisions at the local level, have regions act as coordinators, and the state as policy maker and mediator." The legislation attempts to outline an improved and efficient system of local, regional, and state land-use planning.

The legislation is accompanied by a public awareness campaign that has assembled meetings in eight regions in Massachusetts with "media, environmentalists, realtors, home builders, local officials, chambers of commerce, bankers and neighborhood groups." The intent of the meetings is to provide public education on the legislation's purpose, and to allow comments and questions.

Given the importance of this legislation, we would welcome your involvement. The five MAPC area "Growing Smart" regional meetings are at the following locations:

- |   |  |
|---|--|
| (1) <b><u>PEABODY:</u></b><br>Peabody Community Life Center<br>Central Street, Peabody<br>Thursday, January 27, 7:30 p.m. | (4) <b><u>BELMONT:</u></b><br>Week of March 24<br>Details to be arranged |
| (2) <b><u>WESTBORO:</u></b><br>Forbes Municipal Building<br>34 Main Street<br>Thursday, February 3, 7:30 p.m.             | (5) <b><u>BOSTON:</u></b><br>State House<br>Details to be arranged       |
| (3) <b><u>HANOVER:</u></b><br>Hanover Town Hall<br>550 Hanover Street<br>Wednesday, March 9, 7:30 p.m.                    |  |

We look forward to your input in the coming months.

cc: MAPC Representatives

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

Dianne M. Shea, *Secretary*

Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

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**OVERVIEW OF  
THE PROPOSED  
MASSACHUSETTS PLANNING AND  
DEVELOPMENT ACT  
(NOVEMBER 4, 1993 DRAFT)**

**General Purpose:**

1000 Friends of Massachusetts is a non-profit public interest group which was established in 1990 to foster the principles of planning and development. After considerable debate and discussion, the organization offered to prepare a comprehensive revision to the planning laws of the Commonwealth. Working with Rep. Janet O'Brien and other state representatives, and with a variety of other public agencies and interest groups, 1000 Friends spent six months in the spring, summer and early of 1993, developing the 55 page legislation. Without a doubt, this is the most sweeping set of changes in the statutes governing this area since the planning and zoning acts were first adopted.

**New Framework for Planning:**

The proposed legislation provides a broad context in which planning is accomplished in the public sector. Local governments are encouraged to plan and regulate within the context of regional and state plans. New regional commissions are created in existing planning regions with power to adopt regulations for reviewing developments of regional impact. The state is required to establish a state planning council with power to set goals, determine consistency of regional plans, and arbitrate disputes among and between regions.

**Finances:**

For the first time, the issue of financing the planning process is addressed. The legislation proposes that a combination of local and state funds become the basic financial support for the system. The state revenues are drawn from a percentage of each state bond authorization.

**New Regional Commissions:**

Within the existing geographical boundaries of the planning regions of the state (excluding Barnstable and Dukes County), new regional commissions are created. The communities are represented by their chief elected official. Each community has a single representative but the vote is proportional based on population.

The commissions have the responsibility to plan for their regions in accordance with broad policy goals established by the state. The Commissions may voluntarily invoke the statutory provisions related to reviewing developments of regional impact by a majority vote of the communities in the region.

**Massachusetts Planning and Development Act  
(November 4, 1993 Draft)  
Section by Section Analysis**

**Section 1:**

**General Purposes:**

**Act covers the regions of the Commonwealth excluding Barnstable and Dukes Counties:**

**a: Values**

**There is a regional, state and national interest in protecting, preserving and enhancing the unique values of these regions which are threatened by uncoordinated and inappropriate land uses.**

**b: (Not Included)**

**c: Regional Commissions – General**

**General responsibilities of Regional Commissions itemized**

**d: Regional Commissions – Purpose**

**Regional Commissions shall guide growth in coordination with infrastructure.**

**Section 2:**

**Statewide Goals:**

- Goal 1: Economic Vitality and Jobs**
- Goal 2: Coordinate Public and Private Investment**
- Goal 3: Resource Preservation and Enhancement**
- Goal 4: Regional Integration**
- Goal 5: Infrastructure and Capital Facilities**
- Goal 6: Housing**
- Goal 7: Transportation**
- Goal 8: Community Character**
- Goal 9: Public Access**
- Goal 10: Citizen Participation**
- Goal 11: Conflict Resolution**

**Section 3:**

**Definitions:**

**Applicant**  
**Capital Facilities**  
**Regional Commission (RC)**  
**Development**  
**Development Agreement**  
**Development By-Law**  
**Development of Regional Impact (DRI)**  
**Development Permit**  
**District of Critical Planning Concern (DCPC)**  
**Fair, Affordable Housing**  
**Floor Area**  
**Governor's Planning and Development (GCPD)**  
**Impact Fees**  
**Local Comprehensive Plan**  
**Local Comprehensive Plan Board**  
**Implementing Regulations**  
**Municipal Agency**  
**Municipality**  
**Person**  
**Regional Policy Plan (RPP)**

**Section 4:**

**Regional Commissions:**

- a: Created within Existing Planning Regions**
- b: One Representative per Municipality**
- c: Proportional Voting**
- d: (Not Included)**
- e: (Not Included)**
- f: Annual Election of Officers**
- g: Application of Statutes Regarding Personnel**
- h: Quorum Requirement**
- i: Executive Director and Staff**
- j: Non - Applicability to Cape Cod and Martha's Vineyard Commissions**



**Section 5:**

**Powers and Duties of Regional Commissions**

**Prepare and Adopt Regional Policy Plan**  
**Assist Municipalities in Local Plans**  
**Review Local Plans**  
**Sue and Be Sued**  
**Alternative Dispute Resolution**  
**Retain Staff and Consultants**  
**Receive Grants and Loans**  
**Public Hearings**  
**Appoint Hearing Officers**  
**Enter into Contracts**  
**State Consistency with Regional Plans**  
**Rules and Regulations**  
**Appoint Committees**  
**Recommend Acquisition of Land**  
**Use State, Federal Employees**  
**Coordinate Regulations**  
**Acquire Funds**  
**Grants and Technical Assistance to Municipalities**  
**Local Economic Development**  
**Adopt Plans**  
**Development Agreements**  
**Public Education**  
**Annual Report**  
**Impact Fees**  
**Use Growth Management Tools**  
**Siting Facilities**  
**Existing RPA Powers**

## Section 6:

**Regional Policy Plans – Development**

- a: **Prepared within 2 years of the act**  
**Coherent set of policies and objectives**
- b: **10 year time horizon**  
**Covers following subjects**
  - Sustainable economic development**
  - Transportation**
  - Housing**
  - Agriculture, natural resources, & open space**
  - Recreational resources**
  - Municipal services**
  - Infrastructure**
  - Historical & cultural resources**
- May adopt performance standards**
- c: **Shall utilize state's Geographic Information System (GIS) for resource protection and economic development**
- d: **Identify changes to municipal and state laws needed to RPP**
- e: **Adopt standards and criteria for developments of regional impact (DRI)**
- f: **Review and revise RPP every 5 years**
- g: **State agencies compile capital plans for 10 years and provide to RC; RC determines consistency with RPP.**
  - State authorities, districts, and political subdivisions may be requested to provide capital plans.**
  - RC shall request authorities in abutting states, counties, and RPA's of abutting states for 10 year capital plans.**
  - Coordinate plans with Federal ISTEA, Clean Air Act, CZM, Clean Water Act**

## Section 7:

**Regional Policy Plans -- Adoption**

- a: **One public hearing required with notice to counties, municipalities, abutting regions, Governor and secretariats, and state authorities, and abutting states**
- b: **Mail RPP to citizens on request, publish hearing notice with dates of comment**
- c: **Revise RPP based on comments**  
**Adoption by 3/4 majority vote**
- d: **Becomes effective within 60 days unless Governor vetoes, then revisions begin**
- e: **Once in effect, restrictions on state capital spending which is inconsistent with RPP. MEPA is bound by certification of consistency with RPP**
- f: **State may proceed with project if Governor declares overriding state interest.**
- g: **Exec. Office of Eco. Affairs pays for 95% of RPP. Money from 1% of bond bills. Balance from municipalities based on population.**
- h: **CPD prepares guidelines for preparation of RPP including methodologies, data resources, and consistency guidelines.**

**Section 8:****Developments of Regional Impact****a: Options for adoption**

- 1. Regulatory review of all developments of regional impact for which a development permit is sought in any municipality within the region;**
- 2. Regulatory authority when requested by the host community or an abutting community;**
- 3. Advisory review for municipal agencies with jurisdiction over development permit. If municipality disagrees with recommendation then must approve with majority plus one.**

**b: RC is responsible for filing certificate of vote in above action with municipalities. If procedures change by different vote, then development under review is reviewed by procedures in effect when first development permit was requested.**

**c: Standards and criteria for DRI's included in section 10 may be modified by RPP. Different subregions may have different criteria. In regions with 30 or more municipalities, subregional review committees may be designated to conduct reviews. RC commissioners are subregional representatives.**

**d: After effective date of act, all development permits meeting DRI criteria must be referred to RC.**

**e: Development permit timetables are suspended during RC review.**

**f: No development permit may be issued for DRI until RC vote filed with town clerk.**

**g: Municipal agencies may refer developments which fall below the threshold to RC. RC has 30 days to consider. If RC agrees to accept for review then treated as DRI.**

**RC has power to take jurisdiction over DRI which meets threshold criteria even if not officially referred. Has 30 days to act. Failure to act means DRI follows local review without DRI action.**

**h: Applicants may ask for determination of DRI from RC. RC has ability to charge fee for determination. RC holds public hearing and has 21 days to act.**

**i: Applicants may apply for an exemption from DRI. RC holds public hearing within 45 days. RC must act within 21 days of hearing. Exemptions last for 3 years and are limited to scope of approval.**

## Section 9:

**Developments of Regional Impact – Review Process**

- a: DRI hearings except as otherwise noted are within 60 days of referral. Hearings close within 90 days. Decision by RC 45 days from close.**
- b: Applicants supply list of abutters.**
- c: Notice of public hearing**
  - 1. Newspaper once each for two weeks 14 days in advance;**
  - 2. Mailing 14 days prior to the local officials in the host community and the county commissioners;**
  - 3. Mailing 14 days prior to abutters.**
- d: Contents of public notice**
- e: Review coordinated with MEPA office.**
- f: DRI review to test consistency with this act, with RPP, and local plans.**

**Criteria for approval of DRI**

- 1. Probable benefits outweigh probable detriments;**
  - 2. Consistent with RPP, and local plans;**
  - 3. Consistent with local by-laws; inconsistency allowed if necessary to enable "substantial segment of population..." housing, environmental protection, education, recreation, balanced economic growth.**
  - 4. Development in DCPC and consistent with DCPC regulations**
- g: Disapproval denies permit and restricts all activity. Approval good for 7 years. RC may ask superior court and land court to enforce.**
  - h: RC shall approve with conditions if denial would constitute a taking.**
  - i: RC may impose conditions to mitigate impacts. RC may require interim certificates of completion at stages of development.**
  - j: Municipalities may have stricter regulations.**

**Section 10:**

**Developments of Regional Impact -- Criteria**

**(Not specified)**

**Three sets indicated**

- 1. Regions with population under 200,000**
- 2. Regions with population 200,000-600,000**
- 3. Regions with 600,000 +**

**Section 11:****Developments of Regional Impact – Appeals**

**Filed within 20 days of decision being filed with municipal clerk.**

**Alternative dispute resolution encouraged.**

**Appeals filed with (new) Board of Land Appeals (BLA);**

- a: 5 members by governor with staggered terms;**
- b: Standing to appeal:**
  - Developer**
  - Municipality**
  - Abutting RC**
  - Aggrieved land owner within 2 miles with demonstrated injury and proof that development is inconsistent with RPP**
- c: BLA hears evidence under State Administrative Procedures Act. May appoint one member to hear or hearing officer.**
- d: BLA decision – findings of fact and conclusions of law. Appeals to Appeals Court**
- e: After DRI approved, appeals from municipal permits actions under jurisdiction of BLA**

## Section 12:

**Districts of Critical Planning Concern:****a: Nomination:**

**By municipality based on specified criteria and plan. May include land and waters in more than one municipality.**

**b: Consideration and designation:**

**RC hold hearings within 60 days. Notice given. Decision within 60 days of close of hearing. RC may reduce but not add to DCPC. RC has 45 additional days to adopt regulations.**

**c: Repetitive petitions; Recording and notice:**

**DCPC rejection may not be re nominated for 2 years. DCPC's recorded in registry of deeds. Date of recording = date of effect. Notice of DCPC filed with municipal clerk and published in newspaper.**

**d: Consequences of nomination and establishment:**

**After notice of nomination, moratorium on municipal permits until disposition. RC rejection returns to previous state. After establishment, municipal permits must be in accordance with RC guidelines.**

**Municipalities have 1 year to adopt regulations pursuant to DCPC guidelines. Regulations approved by RC. Default by municipalities allows RC to develop regulations.**

**Amendments to DCPC and regulations follow same procedures.**



## Section 13:

**Local Comprehensive Plans (LCP):**

- a: After RPP approved by Governor, municipalities encouraged to prepare LCP and revise regulations.**
  - 1. RC prepares standards for LCP. State grants \$ to RC for distribution to municipalities for LCP preparation.**
  - 2. RC provides 70% \$ for LCP subject to ceiling based on population.**
  - 3. Up to 90% for receivership or hardship.**
  - 4. Joint LCPs (2 or more municipalities) allowed. May contract with municipality or RC.**
- b: Chief executive officer of municipality designated Local Comprehensive Planning Board (LCPB).**
  - 1. Existing planning board; or**
  - 2. Single purpose board drawn from multiple constituencies.**
- c: LCPB addresses regional and local needs for minimum of 5 years.**
  - 1. Economic Development;**
  - 2. Transportation;**
  - 3. Housing including affordable;**
  - 4. Agriculture, natural resources and open space;**
  - 5. Recreational resources;**
  - 6. Infrastructure;**
  - 7. Historic and cultural resources.**
- d: LCP reviewed every 5 years.**
- e: LCP's shall:**
  - 1. Define goals;**
  - 2. Identify needs;**
  - 3. Identify public input process;**
  - 4. Inventory local resources;**
  - 5. Identify capital facilities for 20 years;**
  - 6. Identify fiscal resources and strategies;**
  - 7. Identify growth centers (20 years) and resource protection areas in consultation with RC**
- f: LCPB must review abutting community plans, RPP and state goals in Act. LCP must be consistent with abutting communities and RPP or mediation required.**
- g: LCP preparation**
  - 1. Initial public hearing;**
  - 2. Additional hearing as necessary;**

3. LCPB meetings are public;
  4. LCPB at least one meeting with abutting LCPBs and RC
  5. Draft completed available in municipal office and public library; distribution to municipal boards; 30 days notice and mailings to voters, abutting municipalities; RC; abutting RC's; state agencies and authorities;
  6. Public hearing;
  7. Public hearing on final draft.
- h. Adoption by majority vote of town meeting or city council. If rejected, 70% state funding for one revision.
- i. Review of LCP by RC
1. Consistency with state planning goals;
  2. Consistency with RPP;
  3. Consistency with abutting LCP;
  4. Consistency with state agency and authority plans;
  5. RC mediates differences between LCPs;
  6. RC approves, disapproves, or approves with conditions within 6 months or approval by default;
  7. Governor or designee mediates differences between LCP and capital plans of state agencies and authorities.
  8. After approval of LCP local ordinances must be brought into compliance.
- j. After approval of LCP, state actions must be consistent unless overriding public interest declared by Governor.
- k. Favorable consequences of LCP adoption:
1. Priority for state S;
  2. State actions and permits for private actions must be consistent with LCP;
  3. MEPA filings must indicate consistency with LCP (and RPP)
  4. Impact fees allowed;
  5. Development agreements for vested rights for 20 years;
  6. DRI's consistent with LCP unless 80% RC vote;
  7. No vested rights (grandfathering) after LCP process starts for 3 years; After LCP adopted no zoning freezes for 2 years; failure to adopt allows developers 2 year period to claim zoning freeze.
  8. MEPA generic EIR for LCP if requested;
  9. Unified permit allowed;
  10. BLA jurisdiction over unified permits;
  11. On-site waste systems consistent with LCP and RPP;
  12. Zoning by-law innovation and flexibility allowed.

## Section 14:

**Governor's Council on Planning and Development (GCPD)**

**a:      Chaired by Governor or designee;**

**EOCD**

**Environmental Affairs;**

**EOTC**

**Economic Affairs;**

**A & F**

**MWRA**

**MassPort**

**MTA**

**MBTA**

**8 members from business, labor, education, municipal government, architecture, engineering, agriculture, environment, terms coterminous with Governor.**

**b:      Responsibilities:**

- 1.      Capital plans of agencies and authorities;**
- 2.      Coordination with neighboring states;**
- 3.      Monitor grants for regional cooperation;**
- 4.      Mediate conflicts between RPPs and other RPPs and state plans;**
- 5.      Site facilities consistent with RPP;**
- 6.      Oversee implementation of integrated Geographical Information System (GIS).**
- 7.      Advise Governor on review of RPPs.**

**Section 15:****Coordination and Conflict Resolution**

- a: RC submits 10 copies of RPP to GCPD. State plans including federally mandated must attempt to be consistent with RPPs. GCPD must rule on inconsistent projects based on:**
  - 1. Overriding state interest;**
  - 2. RC would not modify RPP to accommodate project.**
- b: GCPD resolves inconsistencies in capital and operating plans;**
  - 1. Plans of differing state agencies;**
  - 2. Plans of state agencies and independent authorities;**
  - 3. Plans of state and RPPs;**
  - 4. Competing RPPs**

**Resolution by discussion and mediation or action by Governor.**
- c: Assembling data for GIS;**
- d: MEPA pre-certification in growth centers if LCP and RPP in place;**
- e: Executive Director and staff.;**
- f: 1% of capital outlay budget each year for program. Incentives to municipalities for intermunicipal cooperation.**



William F. Weld  
Governor  
Daniel S. Greenbaum  
Commissioner

Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

## Department of Environmental Protection

CC: BOS

D. HALLEY -

ARE YOU AWARE OF  
THE PETITION AND LOCATION?

*Don V. [signature]*

January 24, 1994

Dear Concerned Citizen:

Some time ago, you sent a petition to the Department, asking us to designate a hazardous waste disposal site in your community as a "Public Involvement Plan Site" in accordance with the provisions of Massachusetts General Law chapter 21E. This designation requires the Department to set up a process for you and your fellow citizens to become involved in planning response actions at that site. I am writing to let you know that, as a result of recent changes in M.G.L. c. 21E and the Massachusetts Contingency Plan, the public involvement process at the site(s) you are concerned about may change.

**The Redesigned 21E Program:** The new program is designed to speed cleanups by placing more responsibility on the private sector to conduct response actions within specific time frames. It will also allow the Department to focus its limited resources on the sites that pose the highest risks for health, safety, public welfare, and the environment, and on ensuring that the private sector meets its responsibilities.

To implement the new program, the Department has rewritten the rules for assessing and cleaning up releases of oil and hazardous materials. The new regulations, the "Massachusetts Contingency Plan" or "MCP" (310 CMR 40.0000), were published on July 30, 1993, and the new program formally started operation on October 1, 1993. The revised MCP requires that response actions be supervised by Licensed Site Professionals (LSPs), experts in site assessment and cleanup who are licensed by a new Massachusetts Board of Registration. LSPs must be hired by those conducting response actions to make sure that the actions are performed in accordance with M.G.L. c. 21E, the MCP, and the Department's standards. The new rules provide:

- o clear thresholds for determining whether a release must be reported to the Department, based on the risks that the release is likely to pose to health, safety, public welfare, and the environment;
- o clear standards for determining when a site has been adequately cleaned up, based on the level of risk that can remain at the

site at the end of response actions (taking into account current and future uses of the site and its surrounding area);

- o new incentives for early actions to keep problems from growing worse (and more expensive) and to encourage early cleanups;
- o a new system for ranking the risks posed by a site and for classifying sites requiring comprehensive response actions into two Tiers. Tier I sites require a permit from DEP. Response actions are then either directly overseen by DEP (Tier IA) or managed by an LSP (Tiers IB and IC). Tier II sites (which pose the least risks) require no upfront approvals from DEP, and can proceed with response actions managed by an LSP; and
- o DEP audits of response actions conducted by the private sector to ensure that they meet the standards contained in the new MCP.

Requirements for Sites Reported to DEP Before October 1: The new MCP also establishes specific obligations and opportunities for sites that had been reported to the Department before the new program started on October 1, 1993. Those who are legally responsible for each site now have deadlines by which they must complete response actions. There are also requirements to proceed with any response actions that DEP had approved before October 1, 1993.

In August 1993, the Department published a list showing the status of each site that had been reported, and a series of fact sheets summarizing the new requirements for each type of site. This list will be followed by an Addendum in February 1994 that will show changes in sites' status that occurred between June 30 and December 31, 1993. The August Transition List is available from the State Bookstore (Telephone: 617/727-2834 or 413/784-1376), and can be viewed at any DEP Office. In addition, the August listings for each community have been sent to the Chief Municipal Official and the Board of Health in that community.

Changes in Public Involvement Requirements: The new MCP includes changes in the public involvement regulations which may affect your petition. Revisions include changes in requirements for notification of local officials and publication of legal notices in newspapers at key milestones in response actions at all sites, including a notice of a site's classification as Tier I or II, and a notice that an application for a permit (or a modification in an existing permit) will be submitted to DEP. Sites are eligible for designation as a "Public Involvement Plan" site once they have been classified. Public Involvement Plans will cover activities that occur after site classification (and, for a Tier I site, after DEP issues a permit to proceed with response actions).

At Tier IA sites where DEP continues to directly oversee response actions, the public involvement activities will continue as they have been established in a Public Involvement Plan (although the Plan may be updated to reflect the new regulations). At sites

classified in the new program as Tier IB, IC or Tier II (where DEP no longer provides direct oversight), the person conducting response actions is now also responsible for ensuring that the public is involved. Existing Public Involvement Plans for these sites may need to be revised to reflect these new roles and responsibilities, or a new Public Involvement Plan will need to be prepared if one has yet to be developed.

**Next Steps:** Sites classified as "priority" in the old program will be classified as either Tier IA or IB by DEP, and will be issued "Transition Permits" over the next several months. The party(ies) responsible for cleaning up this site will have an opportunity to accept this permit or to propose an alternative classification for the site. Once a permit has been accepted, response actions must proceed under the supervision of an LSP and, at Tier IA sites, DEP.

If the person conducting response actions disagrees with DEP's classification of a priority site, he or she will need to submit an application for a "Major Permit Modification" with information supporting the proposed reclassification. A legal notice announcing the submittal of the application will be published in a newspaper that circulates in the community in which the site is located, and will explain how the application can be reviewed and commented upon by the public.

Once DEP has made a decision about whether to grant the Major Permit Modification, public involvement activities will be conducted in accordance with a Public Involvement Plan. If the site remains classified as Tier IA (where DEP directly oversees response actions), the existing Plan for the site will be carried out with few changes. If the site is reclassified as Tier IB or IC, or Tier II, then responsibility for involving the public will be assumed by the person conducting response actions, and any existing Public Involvement Plan will need to be revised accordingly.

Please note that, where the responsibility for conducting public involvement activities has shifted from the Department to the party conducting the response action, that party must contact you (and the other petitioners) about the site's status in the new program, the next steps in the response action process, and future public involvement activities.

**For More Information:** Several fact sheets are enclosed for your information:

- o a brochure explaining changes in the Massachusetts Superfund Law (M.G.L. c. 21E) that were enacted in 1992,
- o a summary of the new MCP, the revised rules for assessing and cleaning up sites,

- o an overview of the transition requirements for sites that were already in the MCP process as of October 1, 1993, and
- o a description of the transition requirements for sites that were classified as "priority" in the old Waste Site Cleanup Program.

If you have questions about the public involvement opportunities at a specific site, please call the Public Involvement Coordinator in the DEP Regional Office that covers your site:

- \* Northeast Region: Karen Stromberg (617/935-2160)
- \* Southeast Region: Ellie Grillo (508/946-2862)
- \* Central Region: Joanne Kasper-Dunne (508/792-7653)
- \* Western Region: Susan Steenstrup (413/784-1100, ext. 264)

We believe that the redesigned Waste Site Cleanup Program provides clear standards for response actions that will protect public health and the environment, as well as a flexible process that will result in the rapid cleanup of many more sites than was the case in the old program. We look forward to your continuing participation in these efforts.

Sincerely,



Sarah Weinstein  
Director  
Division of Planning and Program Development  
Bureau of Waste Site Cleanup

cc: PRP(s)  
Information Repository  
Local Officials on Mailing List



Don FY

PALMER & DODGE

One Beacon Street  
Boston, Massachusetts 02108

cc: BOS

Acheson H. Callaghan, Esq.  
(617) 573-0178

Telephone: (617) 573-0100  
Facsimile: (617) 227-4420

January 19, 1994

JAN 27 1994

Mr. Roland Bartl  
Town Planner  
472 Main Street  
Acton, MA 01720

Dear Roland:

I enclose copies of the briefs in the zoning and subdivision case which we filed. I want to thank you for all the help you gave us, as well as for your efforts in connection with the Amicus brief.

I should warn you that very little will happen for quite a while after we get the plaintiffs' briefs. The Appeals Court is running a delay of more than a year between submission of briefs and oral argument, and four to six months after that until decision.

Very truly yours,



Acheson H. Callaghan

AHC/dcb  
Enclosure



JAN 27

December 6, 1993

Anne Forbes  
Chairperson  
Acton Historic District Commission  
472 Main Street  
Acton, MA 01720

CC: BOS - FYI

Dear Anne:

The Massachusetts Historical Commission has completed drafting a revision to our publication *Establishing Local Historic Districts*. This document is intended to guide communities through the historic districting process outlined in M.G.L. Ch. 40C, the Historic Districts Act. This revision is designed to clarify some of the more commonly asked questions about the historic districting process, provide communities with more technical guidance, and coordinate the local historic districting process with MHC's current survey and planning policies. Before finalizing the revised version, we would like to solicit potential user comments and suggestions.

Since Acton undertook what I like to refer to as a "textbook example" of how to establish local historic districts, we thought you would be able to provide useful comments on its final revision. From the perspective of Acton's historic districting process, are there things that you think should be included or emphasized in the manual? Please take a few moments to review the revised manual (a copy of the current manual is also enclosed for comparison) and comment on its practicality and usefulness. Please feel free to offer any comments and suggestions either in writing (you may wish to send back a marked up copy) or by calling me. We would appreciate your response before January 14, 1994 if possible.

As we near completion of the revised manual, I'd also like to get your "o.k." on the use of the West Acton Historic District map for the manual's cover. (Acton's LHD maps are probably the best in the state!) Your assistance and feedback are greatly appreciated!

Sincerely,

Mark Verkennis

Mark Verkennis  
Director of Local Government Programs  
Massachusetts Historical Commission

enclosures

Don - we wanted  
you to see this compliment  
to Roland and his maps!  
Joe

Massachusetts Historical Commission  
80 Boylston Street, Boston, Massachusetts 02116 (617) 727-8470  
Office of the Secretary of State, Michael J. Connolly, Secretary

CC: BOS

JAN 24 1994

BOARD OF ASSESSORS

MINUTES

JANUARY 3, 1994

1. The Board signed the FY 94 real estate and personal property commitments and warrants.
2. The Board signed commitment for forest products tax on Brewster Conant's land.
3. Monthly excise tax abatements were reviewed and signed by the Board as well as the FY 94 property exemptions..
4. The Board reviewed a FY 93 A.T.B. case on Cohen Properties (apt. complex). It was agreed to abate the value down to the FY 94 assessment.
5. The Board agreed to abate an FY 93 A.T.B. case on 7 Craig Road down to \$800,000.
6. The Board denied an abatement application for Sharon Quinn for excise.
7. The Board denied a Clause 18 exemption for Gloria Jacobs.
8. The Board reviewed and signed the following exemptions:  
41C, 37A and 22
9. The Board reviewed several abatement applications regarding personal property. All were abated - double billing.

Attendance: James Kotanchik  
Robert Adams  
Donald Rhude  
Brian McMullen

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Acheson H. Callaghan, Town Counsel  
Don P. Johnson, Town Manager  
Garry Rhodes, Building Commissioner  
Doug Haley, Health Director  
David Abbt, Engineering Administrator  
Dean Charter, Tree Warden  
Tom Tidman, Conservation Administrator

DATE: January 26, 1994

JAN 27 1994

FROM: Roland Bartl, Town Planner, AICP

R.B.

SUBJECT: Planning Board Articles for 1994 Annual Town Meeting

Attached are the Planning Board articles for the upcoming annual Town Meeting. For convenience I have lumped a citizen zoning petition into the pack. This does not mean there is any Planning Board endorsement of the petition at this time. Please review these articles and comment back to me as you see fit at your earliest convenience, but in any case before the public hearing on the zoning articles which will be held on February 14, 1994, 8:00 PM, in Room 204.

Mike and Garry:

Please look at all articles, those concerning West Acton you have seen before but we made some changes in part in response to your earlier comments.

Garry:

The Common Drive article as currently drafted involves your operation. We must hear from you.

Don:

Please forward to the Board of Selectmen.

Dean:

Please take another look at the landscaping provisions for West Acton.

David:

I would appreciate your particular attention to the Common Drive article.

Tom:

The article with miscellaneous changes contains something about freshwater wetlands. Do you agree with this change?

Doug:

One of these articles would eliminate the special permit for tertiary treatment plants. Are you indeed comfortable with this?

[RHB.ZONE.93\*6]

1  
CC: BOS



JAN 24

JAN 17, 1994

MR. JOHN ROGERS  
14 SAWMILL RD ACTON

You are hereby appointed

MEMBER - FINANCE COMMITTEE

Your appointment expires 5/31/95

Sworn in  
1/21/94  
BO

Donald M. Kenney  
Clerk of Selectmen  
MODERATOR

You must be sworn in by the Town Clerk  
before you assume your duties

CC: BOS

JAN 27

ACTON SCHOOL COMMITTEE

Library  
R.J. Grey Junior High

January 27, 1994  
7:00 p.m.

AGENDA

- I. CALL TO ORDER
- II. PROPOSED FY 95 BUDGET PRESENTATION
- III. ADJOURNMENT

January 18, 1994

Anne Fanton, Selectman  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

JAN 24 1994

Dear Anne,

I have recently had a tremendous increase in my volunteer activities (I now serve on two Committees for the National Research Council), and so am regrettably resigning from the Acton Ft. Devens Task Force. I notified the other Task Force members at our January 12, 1994 meeting. It seems a good time, now that the Strategic Assessment Report is complete, and a Redevelopment Commission is being put in place for Ft. Devens. It has certainly been my pleasure serving on the Task Force.

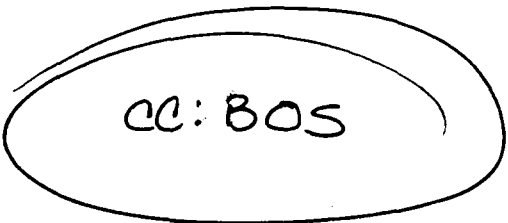
The next problem is my intent to serve on the Hanscom Committee for the town. I believe I could be an effective alternate for this position, but – having been out of town during each of the last three meetings – I am afraid I could not eventually accept the primary responsibility. I strongly suggest you consider asking John Ekberg from the Ft. Devens Task Force to fill this role when Ken Klemmer and/or Fran MacIntyre step down. I understand that this may mean that John would become an alternate before I would.

I would appreciate it if you could convey my intent to others on the Board of Selectmen. Incidentally, I saw in the paper that you are ending your term as Selectman for the town, and are not running for reelection. I just want you to know I feel we have been very fortunate to have you, and I really appreciate the job you've done.

Sincerely,



Marilyn M. Wolfson



cc: BOS

CC: BOS

VOLUNTEER COORDINATING COMMITTEE MINUTES 01/10/94

Present: Comstock, George, Kadlec, Lane and Whitcomb  
Absent: Husbands

Meeting was called to order at 7:40 pm at Town Hall. Minutes of 13 December 1993 were reviewed and approved as corrected.

Town Manager, Don Johnson, met with us at our request. George summarized our questions from our previous letters. Besides learning about which appointments have been made to the Council On Aging, we were able to share ideas as to how we can help expedite the process of timely action upon recommendations. The discussion was helpful both ways. We look forward to meeting again at some future date.

INTERVIEW: DAVID E. BROWN for FINCOM, BO Ass. or Prison Ad.C. Works for Recoll Management Corp / Fleet Financial Group. He feels that now that his daughter is almost three, it is a good time to get involved more with the town. He has always liked numbers, has a Masters in Finance. Is comfortable being on committees and getting grilled. Is also at ease with rules, policies and procedures. His first preference is the FINCOM. His background and experience suggest he would be an appropriate candidate. *N. George will send application to FINCOM via the mail to the Town Moderator.*

Comstock showed us a sample of a list of pending applicants including the pertinent information which she was able to put into the data base. All agreed it looks valuable to us.

George will contact two COA candidates formerly interviewed but put on hold, to let them know there are no openings at present. Whitcomb will contact two others who had applied but had not yet been scheduled for interviews.

Comstock reported that the League of Women Voters is planning a social for Town Volunteers. Loretta Roscoe is doing the organizing. It is in the beginning stages. The VCC offered to help get a list of names of 1993-1994 volunteers. The date will be March 6, 1994 at Town Hall. Comstock will report back that the VCC is willing to help if the League wishes.

Kadlec met with Donna Jacobson concerning Fair Housing. He will be hoping to organize a meeting of some interested persons soon.

The meeting was adjourned at 9:55 pm. Next mtg. 1/24/94.

Respectfully submitted, Nancy Whitcomb  
cc Board of Selectmen and Town Clerk



CC: BOS - FYI



JAN 17, 1994

MS. SHARON CAUDET  
119 NONSET PATH - ACTON

You are hereby appointed

MEMBER - FINANCE COMMITTEE

Your appointment expires 5-31-94

Sworn in  
1-23-94  
JKP

Donald McKenji  
Clerk of Selectmen  
MODERATOR

You must be sworn in by the Town Clerk  
before you assume your duties

cc: BOS- FYI



JAN, 17 1994

KIRWAN  
MR. ~~KIRWAN~~ MOREAN

You are hereby appointed

MEMBER - FINANCE COMMITTEE

Your appointment expires 5/31/95

Sworn in  
January 21, 1994  
D.K.P.

Ronald M. Fye  
Clerk of Selectmen  
MODERATOR

You must be sworn in by the Town Clerk  
before you assume your duties